

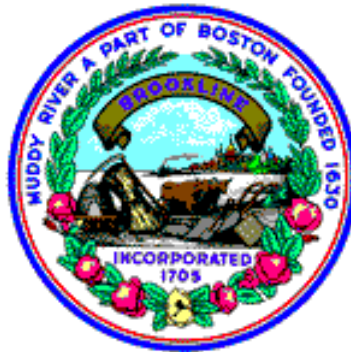
TRAFFIC RULES & REGULATIONS

ISSUED BY THE

TOWN OF BROOKLINE
TRANSPORTATION BOARD

In cooperation with the

BROOKLINE DEPARTMENT OF PUBLIC WORKS
BROOKLINE POLICE DEPARTMENT



Transportation Board

Michael Sandman, Chairman
Dr. Josh Safer, Vice Chairman
Gustaaf C.M. Driessen, PE
Brian Kane
William Schwartz, AICP
Pamela S. Zelnick

Brookline Department of Public Works

Andrew M. Pappastergion, Commissioner
Peter M. Ditto, Director - Engineering/Transportation
Todd M. Kirrane, Transportation Administrator

Brookline Police Department

Chief Daniel C. O'Leary
Captain Michael Gropman, Ph.D.

Chapter 317.
AN ACT ESTABLISHING A
DEPARTMENT OF TRANSPORTATION IN THE TOWN OF BROOKLINE
(As amended in Chapter 487: sections 1, 3, 5 of the 1996 Session Laws)
(As amended in Chapter 85: section 4 paragraph 3 and 4 of the 2006
Session Laws)
(As amended in Chapter 398: section 4 paragraph 3 added – Valet
Parking – of the 2008 Session Laws)
(As amended in Chapter 51: sections 1, 4 and 4a – Taxi Medallions – of
the 2010 Session Laws)

SECTION 1. There is hereby established in the Town of Brookline, hereinafter referred to as the town, a division of transportation, to be part of the department of public works, with the division to consist of a transportation board, hereinafter referred to as the board, a director of transportation, hereinafter referred to as the director, and such staff as may be authorized by the board of selectmen, hereinafter referred to as the selectmen. Except as otherwise provided herein, all statutes and by-laws applicable to transportation, vehicular licensing and traffic rules, regulations and orders shall apply to the department of transportation.

SECTION 2. The board shall consist of six persons to be appointed by the selectmen. The selectmen shall initially appoint two members for terms of one year, two for terms of two years, and two for terms of three years, respectively, from the first Monday of May next following appointment and until the qualification of their respective successors. Thereafter as the term of office of any member expires the selectmen shall annually, before the first Monday of May, appoint his successor for a term of three years from the first Monday of May. Any vacancy on the board shall be filled by appointment by the selectmen for the remainder of the unexpired term. No person holding a public office in the town other than a town meeting member shall be eligible for appointment. A member of the board shall not receive any compensation for his services. Meetings of the Board shall be called by the chairman on his motion, on request of two or more members, or on request of the director. All actions of the board shall be by affirmative vote of at least four members of the entire board.

SECTION 3. The director shall be an engineer or the equivalent who shall be especially fitted by education, training, and experience to perform the duties of the position. The qualifications for the position shall be determined by the commissioner with the approval of the town administrator. The director shall not be subject to civil service lay and rules. The commissioner of public works of Brookline, hereinafter referred to as the commissioner, shall have the authority to create or eliminate staff positions in the division.

SECTION 4. Except as otherwise set forth herein with regard to taxi license sales, the board shall have exclusive authority, generally consistent with the

transportation policies of the board of selectmen and except as otherwise provided in this act, to take any and all of the following actions after public notice and at a public meeting, if it determines, by the vote of at least 4 members, that the actions serve the public safety, welfare, environment or convenience.

The board may adopt, alter or repeal rules and regulations, not inconsistent with general law as modified by this act, relative to pedestrian movement, vehicular and bicycle traffic in the streets and in the town-controlled public off-street parking areas in the town, and to the movement, stopping, standing or parking of vehicles and bicycles on, and their exclusion from, all or any streets, ways, highways, roads, parkways and public off-street parking areas under the control of the town, including rules and regulations designating any way or part thereof under such control as a through way under and subject to the provisions of section nine of chapter eighty-nine of the General Laws. The board shall also have all authority previously granted to the selectmen by virtue of section 22 of chapter 40 of the General Laws, except with respect to the sale of taxi licenses as set forth in section 4a. The board may prescribe a schedule of fines for each violation of parking regulations as authorized by section twenty C of chapter ninety of the General Laws. All other violations of regulations adopted under the provisions of this act, except as otherwise provided by statute, shall be subject to fines not to exceed fifty dollars for each offense as set forth in the regulations.

Notwithstanding any general or special law to the contrary, the board shall have authority to adopt, alter or repeal rules and regulations relative to the operation, licensing or permitting of any valet parking service that utilizes any part of a town-controlled public way, public off-street parking area, or public property for the movement, transport, parking, standing, storage, pick-up, drop-off, or delivery of a motor vehicle, if it determines, by a vote of at least 4 members that such actions serve the public safety, welfare, environment or convenience. For the purposes of this section, a “valet parking service” shall mean a parking service offered, with or without a fee, to an operator or owner of a motor vehicle who is a patron, customer, visitor, employee, guest, invitee or licensee of any restaurant, store, hotel, club, business, institution or commercial establishment wherein the operator or owner delivers possession or control of the motor vehicle to an attendant commonly known as a valet who then transports, parks, stores, retrieves or delivers the motor vehicle.

Except as otherwise set forth herein with regard to taxi license sales, no such adoption, alteration or repeal of a rule or regulation shall take effect, except for special rules or regulations that are declared by the board to be urgently required for public safety or welfare or are temporary in nature and are able to be effective for a period of not more than 60 days, until 30 days have expired after both publication in a newspaper published or distributed in the town and action on any appeal petition filed under this section.

Except as set forth herein with regards to taxi license sales, the following paragraph describes the appeal procedures applicable to any board action. Upon the filing of an appeal petition with the board of selectmen by not less than 20 registered voters of the town within 21 days after either the adoption, alteration or repeal of any rule or regulation under this section or the action or inaction of the board on a citizen petition, the board of selectmen shall hold an evening public hearing on the petition within 30 days after the petition has been filed. Petition forms for this purpose shall be available in the office of the board of selectmen. A majority vote of the board of selectmen shall be required to overturn an action of the transportation board. If the board action is not overturned by the selectmen, within 21 days after the conclusion of the selectmen's hearing, not less than 30 registered voters of the town may file with the town clerk an appeal of this action of the board. The appeal shall contain a warrant article which shall be included in the warrant for the next town meeting, which, by a two-thirds vote, may determine that there is either a general policy issue or a serious safety issue and may overturn the board action. For a general policy issue, town meeting may also, by a two-thirds vote, pass a by-law modifying the board action.

The board may authorize the construction, installation, and maintenance of traffic signs, signals, markings, parking meters and other devices for the control of traffic and parking in the town and for informing and warning the public as to rules and regulations adopted under this act, subject however, to section two of chapter eighty-five, to section eight and nine of chapter eighty-nine and to sections eighteen and eighteen A of chapter ninety of the General Laws.

Nothing in this act shall be construed to authorize the board to adopt any rule or regulation excluding the trackless trolley vehicles or buses of a street railway or bus company from any way or part thereof in which said company has a location, or to modify or limit any power or authority of the metropolitan district commission, state department of public works or state department of public utilities; or to modify or limit any power or authority now vested in the selectmen or heads of town departments with reference to the issuance of licenses or permits for the opening, using or occupying of streets and sidewalks.

SECTION 4A. Notwithstanding chapter 30B or section 3 of chapter 40 of the General Laws or any other general or special law to the contrary, the board of selectmen shall have the exclusive authority to sell taxi licenses by public auction, public sale, sealed bid or other competitive process established by regulations promulgated by the board after public hearing. The board of selectmen may entrust to the transportation board discretion to take actions necessary to implement this section and to sell taxi licenses, including, but not limited to, determining the number of licenses that shall be sold, the timing of the sales, and any conditions and limitations pertaining to the sales, including the power to revoke, suspend, renew and assign the licenses, except that the board of selectmen shall approve sales prices and execute sales contracts. Proceeds from

the sales of licenses shall be paid to the collector-treasurer of the town of Brookline for deposit into the general fund to be appropriated pursuant to section 5 of chapter 40 of the General Laws. The board of selectmen may direct the board that in taking any action the board considers necessary to implement this section and to sell taxi licenses including the adoption, alteration or repeal of rules and regulations after public hearing, the board may balance, in its discretion, the interest of Brookline residents in the continuity of existing Brookline taxi businesses, the interest of existing license holders in their investment in their businesses, the interest of the town in augmenting the portion of the taxi fleet serving the town that meets the needs of its elderly and disabled residents and that minimizes the fleet's detrimental impact on the town's air quality and on the level of the town's carbon emissions as a whole, and the town's interests in maximizing revenue generated from sales of taxi licenses. The board of selectmen may consider these factors in determining whether to agree to a taxi license sales price. Any appeal from the board of selectmen's sale of a taxi license shall be to a court of competent jurisdiction.

This section shall not apply to a license issued and outstanding on the effective date of this action.

Rules and regulations adopted, altered, or repealed by the board after public hearing in connection with implementing this section, including rules or regulations adopted, altered, or repealed for the purpose of creating a property interest in the license and of undertaking the sales of taxi licenses, shall not take effect until 30 days have expired after publication of the rules and regulations in a newspaper published or distributed in the town and on the town's website. Any appeal from the board's adoption, alteration, or repeal by the board in connection with implementing this section shall be to a court of competent jurisdiction.

SECTION 5. The director shall be the administrative head of the transportation division, and as such shall have full charge and supervision of the work of the division and its personnel. He shall provide full staff services to the board, and to the extent authorized by the board shall act on its behalf, in the exercise of its powers and responsibilities under this act. He shall act as technical advisor to the board of selectmen, the transportation board, and other town agencies or officials in connection with transportation matters.

SECTION 6. Chapter three hundred and seventy-five of the acts of nineteen hundred and sixty-eight is hereby repealed.

SECTION 7. All existing by-laws, rules and regulations relating to the control of vehicular and pedestrian traffic, including those relating to the parking of vehicles on any streets, ways, highway, roads, parkways, and public off-street parking areas, under the control of the town, shall remain in full force and effect until superseded by rules and regulations adopted by the board under this act, and the adoption thereof by the board shall not affect any act done, any right

accrued, any penalty incurred or any suit, prosecution or proceeding pending at the time of such adoption.

SECTION 8. This act shall take effect upon its acceptance, during the current year or the year subsequent to, by a vote of the selectmen of the town.

ARTICLE I

DEFINITIONS

For the Purpose of these rules and regulations, the words and phrases used herein shall have the following meanings except in those instances where the context clearly indicates a different meaning.

Bus – A vehicle designed for carrying more than 8 passengers and used for the transportation of persons, either for compensation, as a service, or an adjunct to a school program.

Bus Stop – An area in the roadway set aside for the boarding of or the alighting from buses.

Commercial Vehicles – Any vehicle being used in the transportation of goods, wares, or merchandise for commercial purposes and being insured and registered for such purpose.

Commercial Vehicles, Heavy – Any commercial vehicle of two and one half (2 1/2) tons capacity or over.

Crosswalk – That portion of a roadway ordinarily included within the prolongation or continuation of curb lines and property lines at intersections, or at any portion of the roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.

Emergency Vehicles – Vehicles of the Fire Department (Fire Patrol), police vehicles, ambulances, and emergency vehicles of the federal, state and municipal departments of public service corporations when said vehicles are responding to an emergency in relation to the public safety.

Funeral – Any procession of mourners properly identified as such, accompanying the remains of a human body.

Handicapped Ramp – A means of egress located in the sidewalk with a sloped surface leading to the roadway.

Intersection – The area embraced within the extensions of the lateral curb lines, or, if none, then the lateral boundary lines, of intersecting ways,

as defined in Section 1 of Chapter 90 of the General Laws, including divided ways.

The rules and regulations herein contained governing and restricting the movement of vehicles at and near intersecting ways shall apply at any place along any way at which drivers are to be controlled by traffic control signals whether or not such place is an intersection as herein defined.

Lane – A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.

Loading Zone – A space, either on a public street and adjacent to the curb or in a public off-street parking lot marked by official signs which is reversed for loading and unloading of commercial vehicles.

Officer – Any police officer of the Town of Brookline or any officer authorized to direct or regulate traffic or to make arrests for the violation of traffic regulations.

Official Curb Marking – That portion of the curbing, the painting of which has been authorized by the Engineering & Transportation Division, and which has the approval of the Department of Public Works of the Town of Brookline.

Official Street Marking – Any painted line, legend, marking or marker of any description painted on or placed upon any way which purports to direct or regulate traffic and which has been authorized by the Transportation Board, and which has the written approval of the Department of Public Works of the Town of Brookline.

Official Traffic Signals – All signals conforming to the standards as prescribed by the Executive Office of Transportation of the Commonwealth of Massachusetts, not inconsistent with these rules and regulations placed or erected by the authority of the Transportation Board of the Town of Brookline for the purpose of directing or warning traffic.

Official Traffic Signs – All signs, markings, devices other than signals, not inconsistent with these rules and regulations as prescribed by the Executive Office of Transportation of the Commonwealth of Massachusetts, placed or erected by the Transportation Board, for the purpose of guiding, directing, warning, or regulating traffic.

Parking – The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of an while actually engaged in loading or unloading, or in obedience to an officer or traffic signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

Parking Meter – Any mechanical device, not inconsistent with these rules and regulations, which conform to the standards prescribed by the Executive Office of Transportation of the Commonwealth of Massachusetts, placed or erected on any public way or municipal off-street parking area within the town for the regulation of parking. Each meter shall indicate by proper legend the legal parking time established by these rules and regulations and when operated shall at all times indicate the balance of parking time permitted, and at the expiration of such period shall indicate illegal or overtime parking.

Parking Meter Space – Any space within a parking zone, adjacent to a parking meter, which has been duly designated for the parking of a single vehicle by lines painted, or otherwise durably marked, on the surface of the street or area.

Parking Meter Zone – Any street or part thereof, and any municipally owned or controlled off-street parking area, upon which parking meters are installed and in operation and upon which the parking time of vehicles is limited.

Pedestrian – Any person afoot, or riding on conveyance moved by human power, except bicycles and tricycles.

Person – Any individual, firm, co-partnership, association or corporation.

Roadway – That portion of a street or highway between the regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

Rotary Traffic – Counter clockwise operation of a vehicle around an object, structure, or island in the roadway.

Safety Zone – Any area or space set aside within a roadway for the exclusive use of pedestrians and which has been indicated by signs, lines, or markings having written approval of the Department of Public Works of the Town of Brookline.

Sidewalk – That portion of a street, highway, off-street parking area controlled by the town, set aside for pedestrian travel.

Stand or Standing – When prohibited means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with directions or a police officer or a traffic control device.

Street or Highway – The entire width between property lines of every way open to the use of the public for the purpose of travel.

Street Car – Every car traveling exclusively upon rails when upon or crossing a street, and operating under a franchise which gives its owner the right to operate cars upon the streets of the Town of Brookline.

Taxi Cab Stand – An area in the roadway in which certain taxi cabs are authorized and required to park while waiting to be engaged.

Traffic – Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances, either singly or together while using any street or highway for the purpose of travel.

Traffic Control Area – Any area along any way, other than an intersecting way, at which drivers are to be controlled by traffic control signals.

Traffic Control Signal – Any device using colored lights, which conforms to the standards as prescribed by the Executive Office of Transportation of the Commonwealth of Massachusetts whether manually, electrically, or mechanically operated, by which traffic may be alternately directed to stop and to proceed.

Traffic Island – An area or space set aside, within a roadway or within an off street parking area controlled by the town, which is not intended for use by vehicular traffic.

U Turns – The turning of a vehicle by means of a continuous left turn whereby the direction of such vehicle is reversed.

Vehicle – Every device in, upon or by which any person or property is or maybe transported or drawn upon a highway, including bicycles' when the provisions of these rules are applicable to them, except other devices moved by human power or used exclusively upon stationary

rails or tracks and devices, which derive their power for operation from stationary overhead wires.

ARTICLE II

AUTHORITY AND DUTIES OF POLICE

Section 1

POLICE TO DIRECT TRAFFIC: It shall be the duty of all police officers of the Town of Brookline and in particular officers designated by the Chief of Police to enforce these rules and regulations. Such officers are authorized to direct all traffic, either in persons or by means of visible or audible signals in conformance with the provisions of these rules and regulations provided that in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians, the officers of the Police and Fire Departments may direct traffic as conditions require, notwithstanding the provisions of these rules and regulations.

Section 2

OBEDIENCE TO POLICE: No person shall willfully fail or refuse to comply with any lawful order or direction of an officer as defined in Article I, relating to the direction, control or regulation of traffic. Any person acting in conformity with such an order or direction shall be relieved from the observance of these rules and regulations with which it conflicts.

Section 3

POLICE MAY CLOSE STREETS TEMPORARILY: The Chief of Police is hereby authorized to close temporarily any street or highway in an impending or existing emergency, or for any lawful assemblage, demonstration, or procession.

Section 4

PARKING MAY BE PROHIBITED TEMPORARILY: The Chief of Police is authorized to prohibit, temporarily, parking on any street or highway or part thereof in an impending or existing emergency or for a lawful assemblage demonstration or procession, or in the event of extraordinary or unusual circumstances.

Section 5

AUTHORIZATION FOR POLICE CHIEF TO TOW: The Chief of Police is authorized to tow any vehicle found in violation of an emergency parking ban or street closing as allowed under Sections 3 or 4 of Article II. Streets designated for an emergency parking ban or closing shall be posted with Tow-Away signs.

ARTICLE III

TRAFFIC SIGNS, SIGNALS, MARKINGS ZONES AND PARKING METERS

Section 1

TRAFFIC SIGNS AND SIGNALS, PARKING METERS, ETC.:

- (a) The Commissioner of Public Works is hereby authorized, upon the request of the Director of Transportation Division, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings, safety zones, parking meters and parking meter spaces, of all which shall conform to the standards prescribed by the Massachusetts Department of Transportation (MassDOT).
- (b) Sections 3 and 4 of Article II, Section 1(n), 2 to 5 inclusive 7, 8, 8(a), and 11 (a) of Article V relating to parking, Section 2 of Article VI relating to rotary traffic, Section 9 of Article VII relating to prohibited turns, and Sections 1 and 2 of Article VIII relating to the exclusion of commercial vehicles shall be effective only during such time as a sufficient number of official signs are erected and maintained designating the provisions of such sections and located so as to be easily visible to approaching drivers.
- (c) Section 1 of Article VI relating to one way streets shall be effective only during such time as a sufficient number of official signs are erected and maintained at each of the exits of each one way street, so that at least one sign will be clearly visible for a distance of at least seventy five (75) feet to drivers approaching the exit.

Section 2

DISPLAY OF UNAUTHORIZED SIGNS, ETC., PROHIBITED:

No person or corporation shall place, maintain, or display upon or in view of any street any unofficial device, signal, sign, curb or street marking which purports to be or is an imitation of or resembles any official sign, signal, marking or device. The Chief of Police or Commissioner of Public Works is hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed without notice.

Section 3

INTERFERENCE WITH SIGNS, SIGNALS, MARKINGS PROHIBITED:

Any person who willfully defaces, injures, moves, obstructs, or interferes with any official traffic sign, signal, device, or marking shall be liable to a penalty not exceeding fifty dollars for each and every offense.

Section 4

LOCATION OF BUS STOP, TAXICAB STANDS, LOADING ZONES, PARKING METER ZONES, PARKING METERS SPACES AND PARKING METERS:

The Transportation Board shall have the power to designate the location of all bus stops, taxicab stands and service zones, and in the case of taxicab stands, may designate who shall use them. Nothing contained in Article V, Section 12 shall be construed as prohibiting the Transportation Board from designating the location of and making provisions for bus stops, taxicab stands and service zones on any street or part thereof which has been or may hereafter be designated as a parking meter zone. It shall also have the power to designate the location of all parking meter zones, parking meter spaces and parking meters within the town.

Section 5

OBEDIENCE TO TRAFFIC SIGNS AND SIGNALS:

The operator of any streetcar, vehicle or bicycle shall obey the instructions of any official traffic control signal, sign, device, marking or legend unless otherwise directed by a police officer.

ARTICLE IV
ZONE OF QUIET

Section 1

ZONES OF QUIET:

- (a) All of the territory within two hundred (200) feet of the premises of each hospital in this town is hereby created and established as a ZONE OF QUIET. The Commissioner of Public Works is hereby authorized to erect and maintain, or cause to be erected and maintained, in a conspicuous manner within this area such signs and markings as are necessary to designate it as a ZONE OF QUIET.
- (b) The Chief of Police may temporarily establish a ZONE OF QUIET where a person is seriously ill. Such temporary ZONE OF QUIET shall embrace all the territory within a radius of two hundred (200) feet of the building occupied by the sick person. Said temporary ZONES OF QUIET shall be designated by the Chief of Police by placing at a conspicuous place in the street a sign or marker bearing the words ZONE OF QUIET.

Section 2

No person operating a vehicle within any designated or posted ZONE OF QUIET shall sound a horn or other warning device on said vehicle or make any loud or unusual noise in such zone except in an emergency.

ARTICLE V

STOPPING, STANDING. PARKING

Section 1

GENERAL PROHIBITIONS:

No person shall stand or park any vehicle in any way, street, highway, road, off street parking area or parkway under the control of the Town of Brookline and no person shall allow, permit, or suffer any vehicle registered in his name to stand or park in any street, way, highway, road off street parking area or parkway under the control of the Town of Brookline in violation of any of the Traffic Rules and Regulations adopted by the Transportation Board, and in particular in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or an official traffic sign or signal.

Vehicles found violating any of the provisions of this section will be subject to penalty by statute law.

- (a) Within an intersection, except within those areas where the installation of parking meters has been approved by the Department of Public Works of the Commonwealth of Massachusetts.
- (b)
 - 1. No motor vehicle, motor cycle, scooter, moped, or motorized bicycle as defined by the Commonwealth of Massachusetts may park upon a sidewalk, tree lawn, tree pit, or any other portion of the public way not designated as a parking facility. Any vehicle found to violate this may be removed by the Brookline Police Department and stored at the owner's expense.
 - 2. In accordance with Town Bylaws, no bicycle may park upon a sidewalk in a manner that interferes with the free passage of pedestrians upon said sidewalk. Any bicycle found to violate this may be removed by the Brookline Police Department and stored at the owner's expense.
 - 3. Any bicycle remaining attached to any sign, post, parking meter, private fence abutting the sidewalk, or any other town owned property for a period exceeding 48 consecutive hours may be deemed abandoned and removed by the Brookline Police Department.

- (c) Upon any crosswalk
- (d) Upon a roadway where parking is permitted unless both wheels on the right side of the vehicle are within twelve (12) inches of the curb or edge of the roadway, except upon those streets which are designated as one way streets: on such one way streets vehicles shall be parked in the direct ion in which the said vehicle is moving and with both wheels within twelve (12) inches of the curb. This shall not apply to streets or parts of streets where angle parking is required by these regulations.
- (e) Upon any roadway where the parking of the vehicle will not leave a clear and unobstructed lane at least ten (10) feet for passing traffic.
- (f) Upon any street or highway within ten (10) feet of a fire hydrant.
- (g) In front of a private road or driveway.
- (h) Upon any street or highway within twenty (20) feet of an intersecting way, except alleys.
- (i) Within fifteen (15) of the wall of a fire station or directly across the street from such station provided official signs are erected prohibiting such parking.
- (j) On the roadway side of any vehicle stopped or parked at the edge or curb of a street in such a manner as to constitute double line or multiple line parking.
- (k) Adjacent to any center division strip or island placed upon and being a part of any street or highway unless the vehicle is entirely within a parking meter space.
- (l) On bridges or approaches thereto when these are designed by official sign.
- (m) Except as otherwise provided, no driver shall park any vehicle between the hours of 6:00 a.m. of one day and 1:00 a.m. of the following day, Sundays and public holidays excepted, for a period of time longer than two (2) hours on any street or highway.

(n) No person may park a vehicle in any off street parking area controlled by the town between the hours of 2:00 a.m. and 6:00 a.m. of any day for a period longer than one (1) hour.

(o) No vehicle shall park on any street for more than the posted time limit.

Section 2

PARKING LOCATIONS AND PROHIBITIONS:

Parking is prohibited, restricted, or limited as to time, space and streets in accordance with a schedule designated as Schedule #1 hereto appended to which reference is made and which Schedule #1 is specifically incorporated in this section. No operator shall park a vehicle in the designated prohibited locations or in the restricted locations for a period longer than is designated in Schedule #1, except as otherwise provided in this Schedule.

Section 3

DIAGONAL PARKING:

The Transportation Board shall determine the streets upon which diagonal parking will be permitted and shall cause said streets to be designated by signs and the surfaces thereof to be marked by the Department of Public Works of the Town of Brookline.

Diagonal parking is permitted upon certain sections of a number of streets as designated in Schedule #1 hereto appended to which reference is made and which Schedule #1, relative to diagonal parking is herewith specifically incorporated in this section. Where such diagonal parking is permitted, vehicles shall be parked with one wheel within twelve (12) inches of the curb and at an angle to the curb indicated by official marks and signs. The vehicle shall be parked so that all four wheels thereof shall be placed wholly within the area indicated for parking, and headed to the curb.

Section 4

BUS STOPS AND THE PARKING OF BUSES:

(a) No person shall stand a vehicle other than a bus in a bus stop designated as a no standing zone nor park a vehicle other than a bus in any other bus stop.

- (b) No person shall park a bus at any other place than a bus stop or a place near a bus stop in the event that a nearby bus stop is not available for use.
- (c) The term bus as used in paragraphs (a) and (b) of this section shall refer only to a bus operated by a street railway or bus company to which a location in the Town has been granted by the Town or its duly authorized officers.
- (d) Except as provided in paragraphs (a), (b) and (c) of this section, no person shall park a bus upon any street, except when a bus is occupied by and in control of its operator.

Section 5

TAXICAB STANDS:

- (a) No person shall park a vehicle other than a taxicab licensed by the Transportation Board of the Town of Brookline, in a taxicab stand.
- (b) No person shall stand or wait or hire with a taxicab except at a designated taxicab stand or except while actually engaged and while awaiting the occupation of the taxicab by the person or persons who hired the vehicle.

Section 6

STANDING OF VEHICLES NEAR SCHOOLS AND THE MUNICIPAL SWIMMING POOL:

No person shall stop or stand any vehicle upon any public way in the Town of Brookline within one thousand (1,000) feet of any school of said town between the hours of 8:00 a.m. and 3:00 p.m. on days when the public schools are in session or within one thousand (1,000) feet of the Municipal Swimming Pool between the hours of 8:00 a.m. and 8:00 pm. for the purpose of selling or offering for sale any food, beverage, or goods, wares or merchandise therein or there from.

This section, however, shall not prevent the stopping of vehicles or hawkers., or peddlers at dwelling houses for the purpose of selling goods, wares and merchandise to the occupants thereof in accordance with the provisions of Chapter 101 of the General Laws and regulations made under the authority thereof.

Section 7

PROHIBITED SAFETY ZONES:

When a safety zone is so located in a way that the distance between it and the edge of the curb of the roadway is less than thirty (30) feet, no driver shall park a vehicle within thirty (30) feet of any part of such safety zone.

Section 8

LOADING ZONES:

No person shall stand a vehicle in a Loading Zone except as follows:

- (a) A single unit commercial vehicle shall not be in violation while it is being loaded or unloaded provided it does not remain in the Loading Zone for a period longer than 30 minutes.
- (b) A private passenger vehicle shall not be in violation so long as its driver is in attendance of the vehicle and actually in the process of loading or unloading provided such vehicle does not remain in the Loading Zone for a period longer than 5 minutes.
- (c) Loading Zones are established under this Section in accordance with schedules designated as Schedule 12(b) and Schedule 12(c) hereto appended, to which reference is made and which Schedules 12(b) and 12(c) are specifically incorporated into this Section.

Section 8A

PASSENGER LOADING ZONES:

No person shall stand any vehicle in a Passenger Loading Zone, except a private passenger vehicle shall not be in violation provided it does not remain in the Passenger Loading Zone for a period longer than ten minutes.

Passenger Loading Zones are established under this Section in accordance with a Schedule designated as Schedule #12(d) hereto appended, to which reference is made, and which Schedule #12(d) is specifically incorporated into this Section.

Section 9

PARKING VEHICLES FOR SALE PROHIBITED:

It shall be unlawful for any person to park upon a street, highway, or off street parking area controlled by the Town, any vehicle displayed for sale.

Section 10

REPAIRING OF VEHICLES:

No person shall repair, wash or clean vehicles or other conveyances or cause them to be repaired, washed or cleaned in or upon any public way of the Town or any off street parking area controlled by the Town, or shall any person occupy any part of the public way of the Town or any off street parking area controlled by the Town as storage room for any vehicle except in an emergency when temporary repairs may be made.

Section 11

NO ALL-NIGHT PARKING:

It shall be unlawful for the driver of any vehicle, other than one acting in an emergency, except those vehicles bearing HP plates or placards, to park said vehicle for a period of time longer than one (1) hour between the hours of 2:00 A.M. and 6:00 A.M. of any day on any street or in or upon any Town owned off street parking facility unless such facility is designated by the Transportation Board for all night parking and so posted.

Section 11A

FURTHER PARKING RESTRICTIONS:

No person shall stop, stand, or park a vehicle at any curb adjacent to the entrances of a church, hospital, bus terminal or station, theater, public building or any place of public assemblage, except for the purpose of receiving or discharging passengers, nor park a vehicle at any curb in the vicinity of apartment or office building entrances, which have been posted as No Parking Zones, except for the purpose of receiving or discharging passengers.

Section 12

PARKING METER LOCATIONS AND REGULATIONS:

- (a) Parking is limited or restricted as to time, space, streets and off street parking areas controlled by the town as designated in Schedule 1A hereto appended, to which reference is made and which Schedule 1A is specifically incorporated in this section. No person shall park a vehicle for a period of time longer than prescribed in Schedule 1A between the hours of 8:00 A.M. and 6:00 P.M. of any day except as otherwise provided in this Schedule. This restriction shall not apply on Sundays or during the hours of legal holidays during which business establishments are required by law to remain closed.

In accordance with the foregoing, parking meter zones are hereby established on the streets, parts of streets, or off street parking areas controlled by the town listed in Schedule 1A.

- (b) The Commissioner of Public Works is hereby authorized, upon the request of the Director of Engineering & Transportation Division to install parking meters within the areas described in this regulation or cause the same to be installed. The meters shall be placed at intervals of not less than twenty (20) feet apart except that the beginning and ending spaces may be eighteen (18) feet and except where angle parking is permitted, and not less than twelve (12) inches or more than twenty four (24) inches from the face of the curb adjacent to the individual meter spaces.

Meters shall be so constructed as to display a signal showing legal parking upon the deposit therein of the proper coin or coins of the United States as indicated by the instructions on said meters and for such a period of time as is or shall be indicated by meter legend.

Said signal shall remain in evidence until expiration of the parking period designated, at which time a dropping of a signal automatically or by some other mechanical operation shall indicate the expiration of said parking period.

- (c) The Commissioner of Public Works is hereby authorized, upon request of the Director Engineering & Transportation Division to establish parking meter spaces or cause the same to be established in such parking meter zones as are herein specified, or as may be hereafter fixed by amendment, and to indicate the same by white markings upon the surface of the roadway.

(d) Whenever any vehicle shall be parked adjacent to a parking meter, the owner or operator of said vehicle shall park within the spaces designated by pavement marking lines and, upon entering such space, shall immediately deposit in said meter the required payment of the United States for the maximum legal parking period or proportionate period thereof, both as indicated or shown on the meter and if so required set the mechanism in motion.

(1) The maximum fee for parking shall not exceed the following rates:

<u>Time Limit Zone</u>	<u>Rate</u>
Two (2) Hours	\$0.05 per 3 minutes or portion thereof \$0.10 per 6 minutes or portion thereof \$0.25 per 15 minutes or portion thereof \$1.00 per 60 minutes or portion thereof
Three (3) Hours	\$0.05 per 3 minutes or portion thereof \$0.10 per 6 minutes or portion thereof \$0.25 per 15 minutes or portion thereof \$1.00 per 60 minutes or portion thereof
Five (5) Hours	\$0.05 per 3 minutes or portion thereof \$0.10 per 6 minutes or portion thereof \$0.25 per 15 minutes or portion thereof \$1.00 per 60 minutes or portion thereof
Eleven (11) Hours A	\$0.05 per 3 minutes or portion thereof \$0.10 per 6 minutes or portion thereof \$0.25 per 15 minutes or portion thereof \$1.00 per 60 minutes or portion thereof
Eleven (11) Hours B	\$0.05 per 6 minutes or portion thereof \$0.10 per 12 minutes or portion thereof \$0.25 per 30 minutes or portion thereof \$0.50 per 60 minutes or portion thereof
Thirteen (13) Hours	\$0.05 per 3 minutes or portion thereof \$0.10 per 6 minutes or portion thereof \$0.25 per 15 minutes or portion thereof \$1.00 per 60 minutes or portion thereof

Game Day Rate	\$1.00 per 60 minutes or a portion thereof
	\$2.00 per 120 minutes or a portion thereof
	\$12.00 per 180 minutes or a portion thereof
	\$22.00 game day or a portion thereof

(2) Meter Overtime

It shall be unlawful for any person to deposit or cause to be deposited in a parking meter any coin for the purpose of permitting the vehicle of which he is in charge to remain in a parking meter space beyond the maximum period of time allowed in a particular zone.

(3) Meter Space Violation

It shall be unlawful for any person to park a vehicle within a parking meter space unless such vehicle is wholly within the painted lines adjacent to such meter. It shall be unlawful for any unauthorized person to open, tamper with, break, injure or destroy any parking meter or deposit or cause to be deposited in such meter any slugs, device or metallic substance or any other substitute for the coins required.

It shall be unlawful for any person to park a vehicle in any municipal parking area at any place other than within those spaces indicated by white pavement markings for the parking of a single vehicle adjacent to a parking meter.

- (e) Operators of commercial vehicles may park in metered spaces without depositing a payment for a period not to exceed thirty (30) minutes for the purpose of loading or unloading. Parking in excess of this time limit without depositing the proper coin shall be deemed a violation of this regulation. (See Table 1A Parking Meter Zones.)
- (f) The Chief of Police is hereby designated as the person authorized to collect monies deposited in parking meters or cause the same to be so collected. Such shall be deposited forthwith with the Town Treasurer in a separate known as the "Brookline Meter Account."
- (g) All fees received by said Treasurer shall be used as authorized by Chapter 40 of the General Laws.
- (h) It shall be the duty of police officers to enforce the provisions of this section.

- (i) Any person who violates any parking provision of this regulation pursuant to Article II shall be subject to the penalties provided by Chapter 138 of the Acts of 2001 and any other violations shall be punishable as may be provided by law.
- (j) No driver, while operating any vehicle owned and bearing the indicia of ownership by the Town of Brookline, State or Federal governments shall be required to deposit any fee in a parking meter as provided in this section.
- (k) No person shall occupy any metered space for the purpose of engaging in sales of any kind from that space regardless of whether or not a payment has been deposited in the meter of the space so occupied, without a special permit issued by the Transportation Board.

Section 13

STOPPING PROHIBITED:

No Person shall stop a vehicle in any of the locations specified in Schedule No. 7 where the Transportation Board has determined that such stopping would create an especially hazardous condition or would cause unusual delay to traffic.

No person shall stop a vehicle on the roadway side of any vehicle stopped or parked at the edge or curb of a street, except in an emergency situation involving danger to life or limb.

Section 14

STANDING PROHIBITED:

No person shall stand a vehicle in any of the locations specified in Schedule No. 8 where the Transportation Board has determined that such standing would create an especially hazardous condition or would cause unusual delay to traffic.

Section 15

HANDICAPPED RAMP:

It shall be unlawful for any person to park a vehicle adjacent to a Handicapped Ramp in such a manner as to block egress of such ramp.

Section 16

HANDICAPPED PARKING SPACES IN OFF STREET PARKING AREAS:

- (a) Any person or body that has lawful control of a private way or of improved or enclosed property used as off street parking areas for businesses, shopping malls, theatres, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees shall reserve parking spaces in said off street parking area for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of chapter ninety, according to the following formula:

If the number of parking spaces in any such area is more than fifteen but not more than twenty five, one parking space, more than twenty five but not more than forty, five percent of such spaces but not less than two: more than forty but not more than one hundred, four percent of such spaces but not less than three: more than one hundred but not more than two hundred, three percent of such spaces but not less than four, more than two hundred but not more than five hundred, two percent of such spaces but not less than six: more than five hundred but not more than one thousand, one and one half percent of such spaces but not less than ten; more than two thousand but less than five thousand, three fourths of one percent of such spaces but not less than twenty: and more than five thousand. one half of one percent of such spaces but not less than thirty.

- (b) Parking spaces designated as reserved under the provisions of paragraph (a) shall be identified by the use of above grade signs that comply with the accepted Manual on Uniform Traffic Control Devices of the Commonwealth of Massachusetts in accordance with Chapter 85 Section 2 of the Massachusetts General Laws.
- (c) No unauthorized vehicle may be left within parking spaces designated as reserved for use by handicapped persons or disabled veterans under (a) and (b) above.
- (d) Penalty for violations of this section shall be as follows: one hundred dollars (\$100.00) for each offense and the vehicle in violation may be removed by towing according to the provisions of General Laws Chapter 266, Section 120D as the same may be amended

ARTICLE V, Section 17 Valet Parking License

ISSUED BY THE

TOWN OF BROOKLINE
TRANSPORTATION BOARD

In cooperation with the

BROOKLINE DEPARTMENT OF PUBLIC WORKS
BROOKLINE POLICE DEPARTMENT



Adopted April 26, 2007
Revised September 20, 2007

Transportation Board

Michael Sandman, Chairman
Abby Swaine
Gustaaf C.M. Driessen
Ronald Scharlack
Peter G. Furth
Pamela S. Zelnick

Brookline Department of Public Works

A. Thomas DeMaio, Commissioner
Peter M. Ditto, Director - Engineering/Transportation

Brookline Police Department

Chief Daniel C. O'Leary
Captain Michael Gropman

I. Definitions

For purposes of these Valet Parking License Regulations, the following words and terms shall have the following meanings:

1. Establishment: A restaurant, store, hotel, club, business, institution, professional organization or commercial establishment.
2. Patron: A customer, client, patron, visitor, guest, employee, licensee or invitee of an Establishment.
3. Patron Vehicle: A motor vehicle operated, or caused to be operated, by a Patron of an Establishment that is parked, retrieved and/or delivered by a Valet Parking Service as defined under these regulations.
4. Valet: An individual who parks, retrieves and/or delivers parked Patron Vehicles. A valet may be an employee, principal, agent, volunteer or independent contractor of the Establishment or a Valet Parking Service.
5. Valet Parking Service: A parking service offered, with or without a fee, to Patrons of an Establishment wherein the Patron delivers possession or control of a Patron Vehicle ["Drop-Off"] to a Valet who then parks the Patron Vehicle and/or retrieves and delivers the Patron Vehicle to the Patron ["Pick-Up"].

This regulation shall not apply to a Valet Parking Service where Drop-Off, Pick-Up, transport and parking of the Patron Vehicle takes place entirely on privately-owned property under the control of the Establishment or the Valet Parking Service, by agreement or otherwise, and does not utilize a public way of the Town of Brookline or other Town of Brookline property.

6. Person: A natural person, corporation, unincorporated association, partnership or any other entity recognized by law.
7. Application: An application form, approved by the Transportation Board, that seeks specific information, as determined by the Transportation Board, that is related to the issuance, renewal or transfer of a Valet Parking License.
8. Applicant: The owner or duly authorized agent or manager of an Establishment seeking a License to operate a Valet Parking Service in the Town of Brookline for Patrons of the Establishment.
9. Licensee: An Establishment, its owner, or its duly authorized agent or manager who holds a valid Valet Parking License issued by the Transportation Board.

II. Prohibited Conduct

1. No Person shall operate, or cause to be operated, a Valet Parking Service, as defined herein, without a valid Valet Parking License issued by the Transportation Board.
2. No Licensee shall violate or permit a violation of any condition of its Valet Parking License.
3. No Licensee shall transfer a Valet Parking License or change Valet Parking Service operators without the express approval of the Transportation Board.
4. No Licensee shall permit an illegality within the scope of operating the Valet Parking Service.
5. No Licensee or any other Person shall utilize metered or non-metered parking spaces in public ways or Town-controlled off-street parking lots or other Town property to store Patron Vehicles in connection with a Valet Parking Service without the express approval of the Transportation Board.
6. Each violation of a provision of these Valet Parking Regulations shall be punishable by a fine of \$50. Each date that a violation is found shall constitute a separate offense.

III. Purpose

1. Pursuant to the authority granted to the Transportation Board under Chapter 317 of the Acts of 1974, the purpose of this regulation is to promote and protect the public safety, welfare, environment and convenience when a Valet Parking Service utilizes public ways or other public property under the control of the Town. The Transportation Board recognizes that a Valet Parking Service benefits an Establishment by, among other things, providing additional parking spaces for Patron Vehicles and enhancing Patron convenience, particularly in areas where on-site parking spaces and nearby public parking spaces are scarce. The Transportation Board also recognizes that, if improperly managed and unregulated, a Valet Parking Service, by its use of public ways and other public places, may cause unacceptable levels of traffic congestion, noise, fumes, dust and other public safety hazards including, but not limited to, habitual unsafe operation of Patron Vehicles on and over public ways and the exposure of the Patrons and the general public to liability, harm and property damage that may result from Patrons ceding control of a valuable, and potentially dangerous, Patron Vehicle and its contents to an unregulated Valet Parking Service whose Valets may be unknown, unsupervised, careless and unqualified, while operating and controlling Patron Vehicles on public ways or other Town property.

IV. Application and Renewal Process

1. Except for good cause shown, an Application for a new Valet Parking License shall be filed with the Transportation Board at least sixty (60) days prior to the proposed starting date of the Valet Parking Service.
2. No Application shall be deemed complete unless all information requested by the Transportation Board has been submitted by the Applicant and the Application fee has been paid.
3. Upon receipt of a completed Application, a copy of each Application shall be forwarded to Director of Planning and Community Development, the Chief of Police, the Fire Chief, and the Building Commissioner for their review and comments, if any, as to whether or not a proposed Valet Parking Service complies with applicable statutes, codes, rules, regulations and/or provisions of the Town's By-Laws.
4. Except for good cause shown, an Application for the renewal of an existing Valet Parking License shall be filed with the Transportation Board no less than thirty (30) days prior to the expiration date of the License.
5. The Applicant may seek Transportation Board approval to utilize parking spaces on public ways and Town-controlled off-street parking areas.
6. Among other things, a completed Application shall include
 - a. Name, address, and contact information of the Establishment offering the Valet Parking Service.
 - b. Name, address, and contact information for the Valet Parking Service operator.
 - c. A detailed description of the proposed Valet Parking Service including, but not limited to, the days and hours of operation; location of the passenger Drop-Off and Pick-Up; the number of Valets to be used during peak periods of the Valet Parking Service operation; the location and legal storage capacity of any parking lot, garage or other parking spaces where Patron Vehicles will be stored; route(s) used for traveling to and from the valet parking spaces; and, if the Applicant requests the use of public parking spaces, the location, number of spaces or curb length desired.
 - d. A copy of any Agreement between the Establishment offering the Valet Parking Service and the Valet Service Provider.
 - e. An insurance certificate evidencing insurance coverage for property damage, personal injury and death arising out of the operation of the Valet Parking Service;
 - f. A copy of any agreement between or among the Applicant, Valet Service Provider, Establishment and any Person who owns or controls a designated parking facility utilized by the Valet Service Provider to Park Patron Vehicles.
 - g. If required by M.G.L. c. 148, § 56, a copy of the Open-Air Permit obtained from the Board of Selectmen for the designated parking

facility utilized by the Valet Service Provider to park Patron Vehicles.

7. The Application fee for a Valet Parking License shall be \$200.00, and is non-refundable.

V. Notice, Hearing and Issuance of License

1. Upon receipt of a completed Application, the Transportation Board shall schedule a public hearing and shall give written notice of the time and place of the hearing to (a) the Applicant; (b) the abutters to the Establishment for which the Valet Parking Service is proposed; (c) the abutters to any designated off-street parking area to be utilized by the proposed Valet Parking Service; and (d) all Town Meeting members in the precinct or precincts in which the proposed Valet Parking Service will operate.
2. In determining whether or not to issue a Valet Parking License, the Transportation Board shall take into consideration the General Licensing Standards set forth in Section 5.7.2 of the Town By-laws and any other factors that it deems relevant to its determination.
2. After written notice and a public hearing, the Transportation Board may issue a Valet Parking License to the Applicant or it may vote to deny the application or it may continue the hearing pending receipt of additional information.
3. All Valet Parking Licenses shall expire annually on June 30th unless sooner surrendered, suspended or revoked.
4. The Transportation Board may attach such reasonable conditions to the Valet Parking License as it deems necessary.
5. In addition to any other specific conditions that the Transportation Board may attach to a Valet Parking License, the following conditions shall be deemed incorporated into every Valet Parking License:
 - a. Any parking spaces utilized by a Valet Parking Service for parking, loading and unloading passengers, or picking up and dropping off Patron Vehicles on public ways and in Town-controlled off-street parking areas must be legal parking spaces under the Town of Brookline Traffic Rules and Regulations.
 - b. Patron Vehicles shall not be parked in un-metered spaces on residential streets.
 - c. If the Transportation Board approves the use of metered parking spaces on the public way as part of the Valet Parking Service, the parking meter must remain available to the public and in operation during daytime hours of 8 am to 5 pm.

- d. No Patron Vehicle shall be double-parked on the public way at the location of the Patron Vehicle Drop-Off/Pick-Up area.
 - e. All valet parking spaces on the public way approved by the Transportation Board as part of the Valet Parking Service must be properly identified by Town-installed signage. The reasonable costs of such Town-installed signage shall be paid by the Licensee.
7. An annual fee of \$500.00 a fiscal year, prorated if necessary, will be assessed for the use of each town-owned and controlled parking space approved by the Transportation Board.

VI. Enforcement Action

1. On the basis of a police report, a complaint, a violation notice, a compliance inspection or investigation that alleges a violation of a condition of the Valet Parking License; the Town of Brookline Traffic Rules and Regulations; the laws of the Commonwealth; or any prohibited conduct as defined in these regulations, the Transportation Department may issue a written warning to the License holder. The written warning shall identify the nature of the problem and may state corrective action.
2. Following the issuance of a written warning to the License holder in the first instance, the Transportation Board may thereafter schedule a hearing on the basis of a further police report, a complaint, a violation notice, a compliance inspection or investigation that alleges a further violation. After reasonable notice to the Licensee and a reasonable opportunity to be heard, the Transportation Board may modify, suspend, revoke or cancel the Licensee's Valet Parking License or issue a further warning upon satisfactory proof that the Licensee has violated or has permitted a violation of a condition of the Valet Parking License, the Town of Brookline Traffic Rules and Regulations; the laws of the Commonwealth or any prohibited conduct as defined in these regulations. Nothing contained in this regulation shall prevent the Transportation Board from scheduling a hearing in the first instance on the basis of a police report, a complaint, a violation notice, a compliance inspection or investigation if it alleges a violation that constitutes a serious threat to the public safety, health, welfare or convenience.
3. Any action taken by the Transportation Board to modify, suspend, revoke or cancel a Valet Parking License or issue a written warning under this section shall not preclude the Town of Brookline from taking other enforcement action including, but not limited to, applying for criminal complaints; issuing citations under non-criminal ticketing procedures; or commencing a civil action.
4. The Transportation Department of the Department of Public Works and the Police Department shall have the authority to act as the Transportation Board's agents in the enforcement of these regulations.

VII. Severability

1. In the case where any section, paragraph or part of this regulation is for any reason(s) declared invalid or unconstitutional, every other section, paragraph or part thereof shall continue in full force and effect.

ARTICLE V(A)
TOW-AWAY ZONE REGULATIONS

Section 1

IN GENERAL:

In accordance with the provisions of Chapter 40, Section 22D of the Massachusetts General Laws, as most recently added by Chapter 322 of the Acts of 1961, the Transportation Board of the Town of Brookline hereby enacts the following regulations authorizing the removal to a convenient place of vehicles parked or standing in such manner, or in such areas as are hereinafter described on any way under the control of the Town of Brookline. Vehicles specifically exempt by Chapter 322 of the Acts of 1961 shall not however be subject to such removal.

Section 2

AUTHORIZATION OF POLICE:

The moving or towing of any vehicle under the provisions of this Article shall be by and at the direction of the Chief of Police or such other officer(s) of the rank of Sergeant or higher as he may from time to time designate.

Section 3

MAXIMUM TOWING AND STORAGE FEES:

In accordance with Title 220 CMR, Chapter 272.00, the maximum charge for towing up to five miles under Table 1 may not exceed \$90.00 which includes one hour of Service and/or Waiting Time to be computed from the time of arrival at the scene. (If service exceeds one hour refer to Note 1. The use of Note 1, however, for a trespass tow or snow removal tow is prohibited.) A surcharge per mile of \$3.00 is established for miles towed in excess of five miles. Storage Fees not to exceed two dollars (\$2.00) for any twenty-four hour period; not to exceed one dollar and fifty cents (\$1.50) for any period less than twenty-four hours.

Section 4

LIABILITY FOR DAMAGE DURING REMOVAL OR STORAGE:

The Contractor shall be liable to the owner for any damage arising out of negligence caused to a vehicle in the course of removal and storage.

Section 5

GENERAL PROHIBITION TOWING ZONES:

No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park in any of the following places. Vehicles found in violation of the provisions of this Section except those specifically exempt by law, shall be removed to a convenient place under the direction of an officer of the Police Department and the owner of the vehicle so removed, or towed away shall be liable to the cost of such removal and storage, if any, as set forth in Section 3 of the Article. The owner of any vehicle removed or towed away under the provisions of this section shall also be subject to the penalties as allowed under Chapter 138 of the Acts of 2001 and any other violations shall be punishable as may be provided by law.

- (a) Upon any way in such a manner as to impede the removal or plowing of snow or ice except vehicles parked in accordance with approved regulations governing All Night Parking.
- (b) Upon any sidewalk.
- (c) Upon any crosswalk.
- (d) Upon any way within twenty (20) feet of an intersecting way except alleys.
- (e) Upon any way within ten (10) feet of a fire hydrant.
- (f) On the roadway side of any vehicle stopped or parked at the edge or the curb of the way.
- (g) In front of a public or private driveway.
- (h) Within a crossover.
- (i) Upon any way where the parking of a vehicle will not leave a clear and unobstructed lane of at least ten (10) feet wide for passing traffic.

- (j) Upon any way for a period of time exceeding twenty four (24) consecutive hours whether or not such vehicle is disabled and preparations are being made by owner or operator for its removal.
- (k) Within 15 feet of the wall of a fire station or directly across the street from such station provided official signs are erected prohibiting such Parking.
- (l) Upon any way parked in violation of any existing Traffic Rules and Regulations provided that such vehicle has previously been tagged for violation of such Rules and Regulations and that the owner or person in control of said vehicle has failed to return the tag to the Court having jurisdiction as required by the provisions of Chapter 90, Section 20C, of the General Laws.
- (m) In any bus stop.
- (n) Any motor vehicle not duly registered or insured in accordance with Chapter 90 of the Massachusetts General Laws, parked or operating on a public way or place under the jurisdiction of the Transportation Board shall be towed in the same manner as provided in other sections of this Article.
- (o) Within any loading zone established under Article V, Section 3, in accordance with a schedule designated as Schedule #12(b) hereto appended, to which reference is made and which Schedule #12(b) is specifically incorporated into this Section.
- (p) In front of any Handicap Ramp.
- (q) No vehicle shall park in any parking space designated for handicapped parking with official signs unless the registration number of the vehicle begins with the letters HP, DV (Disabled Veteran), or any passenger vehicle displaying a validly issued unexpired HP placard displayed on the rearview mirror.
- (r) No vehicle shall park in any parking space designated for Overnight Permit Parking without a proper Parking Permit as issued by the Engineering & Transportation Division. Such vehicle shall be tagged and towed.

AUTHORIZATION FOR POLICE CHIEF TO TOW:

The Chief of Police is authorized to tow any vehicle found in violation of an emergency parking ban or street closing as allowed under Sections 3 and 4 or Article II. Streets designated for an emergency parking ban or closing shall be posted with Tow Away signs.

Section 6

PARKING PROHIBITED, TOWING ZONE:

No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand, or park on any of the ways or parts of ways hereinafter described and during the periods of time set forth. Vehicles found in violation of the provisions of this section except those specifically exempted by law shall be removed to a convenient place under the direction of an officer of the Police Department and the owner of the vehicle so removed or towed away shall be liable to the cost of such removal and storage, if any, as set forth in Section 3 of this Article. The owner of any vehicle removed or towed away under the provisions of this Section shall also be subject to the penalties as allowed under Chapter 138 of the Acts of 2001 and any other violations shall be punishable as may be provided by law

Section 7

OFFICIAL TRAFFIC SIGNS:

The provisions of Section 6 shall be effective only during such time as sufficient number of official traffic signs bearing the legend "TOW AWAY ZONE" are installed, erected, maintained and located so as to be visible to approaching drivers, and signs to be appended above or incorporated into the legend of Parking Prohibition signs.

Section 8

POLICE TO KEEP RECORD OF TOWED VEHICLES:

The Police Department shall keep a record of all vehicles towed or removed under the provisions of this Article. Such record shall be retained for one (1) year and shall contain the following information:

1. The registration of the vehicle.
2. The location from which it was towed, and the time and date of the tow order.
3. The location to which it was moved.
4. The fee charged for towing.

5. Name of the towing contractor, if any.
6. Name and rank of the office who authorized the towing.

Section 9

VEHICLES EXEMPTED:

- (a) Those owned by the Commonwealth or a political subdivision of the Commonwealth.
- (b) Those owned by the United States Government.
- (c) Those registered to a member of foreign diplomatic corps or by a foreign consular officer who is not a citizen of the United States provided that the vehicle bears a conspicuous registration.

Section 10

RECOVERY OF TOWED VEHICLES BY OWNER:

Any vehicle removed pursuant to the provisions of such Article shall be held until all charges lawfully imposed for such removal and storage following the same have been paid and if in the calendar year in which such vehicle is so removed and in the preceding calendar Year five or more notices in the aggregate, have been affixed to said vehicle as provided in Section 20A of Chapter 90 of the Massachusetts General Laws, due notice has been received that either the fines provided in such notices have been paid or security for the payment thereof has been deposited.

Section 11

DISPOSAL OF TOWED VEHICLE BY POLICE:

The Chief of Police or his representative may in accordance with Sections 7 and 8 of Chapter 135 of the Massachusetts General Laws dispose of any Motor Vehicle towed under authority of these Traffic Rules and Regulations. Any money received as a result of such disposal shall be dispensed in the following manner:

- (a) First claim shall be to the Town of Brookline in reimbursement for money expended in advertisements, mailings, auction fees, etc.
- (b) Second claim shall be to the Towing Contractor for towing and storage fees outstanding.
- (c) If any money remains, it shall be turned over to the Town Treasurer.

ARTICLE V(B) PERMIT PARKING REGULATIONS

ISSUED BY THE

TOWN OF BROOKLINE
TRANSPORTATION BOARD

In cooperation with the

BROOKLINE DEPARTMENT OF PUBLIC WORKS
BROOKLINE POLICE DEPARTMENT



Adopted February 10, 2005
Revised December 21, 2006
Revised April 26, 2007
Revised July 19, 2007
Revised November 27, 2007

Transportation Board

Michael Sandman, Chairman
Abby Swaine
Gustaaf C.M. Driessen
Ronald Scharlack
Peter G. Furth
Pamela S. Zelnick

Brookline Department of Public Works

A. Thomas DeMaio, Commissioner
Peter M. Ditto, Director - Engineering/Transportation

Brookline Police Department

Chief Daniel C. O'Leary
Captain Michael Gropman

TABLE OF CONTENTS

1	AUTHORITY AND PURPOSE.....	1
	A. Authority	1
	B. Purpose of Regulations.....	1
2	DEFINITIONS	1
3	GENERAL	2
	A. Compliance with Other Laws	2
	B. Offenses	2
	C. Revocation of Permit and Appeals	2
4	TEMPORARY PARKING PERMITS FOR RESIDENTIAL ACTIVITIES	3
	A. Definition of Temporary Permit	3
	B. Effect of Temporary Permit	3
	C. Display of Temporary Permit.....	3
	D. Temporary Permit Fee	3
5	TEMPORARY PARKING PERMITS FOR MOVING AND CONSTRUCTION ACTIVITIES.....	4
	A. Designation of Temporary No Parking/Tow Zone	4
	B. Effect of Temporary No Parking/Tow Zone.....	4
	C. Display of No Parking/Tow Zone Signs.....	4
	D. Fees for Designation of Temporary No Parking/Town Zone.....	4
6	PARKING PERMITS FOR SCHOOL STAFF	4
	A. School Permit Parking Plan.....	4
	B. School Staff Permits	5
7	RESIDENT PARKING PERMITS	5
	A. Boundaries of Resident Permit Parking Areas.....	5
	B. Resident Eligibility for Resident Permit Parking	5
	C. Issuance of Resident Permits	5
	D. Number of Resident Permits Allowed and Permit Fees	6
	E. Display of Permit	6
	F. Effect of Resident Permit	6
	G. Conditions for Revocation of Resident Permit	6
8	COMMERCIAL PARKING PERMITS	7
	A. Types and Number of Commercial Parking Permits.....	7
	B. Eligibility for Commercial Parking Permit	7
	C. Issuance of Commercial Permits	8
	D. Number of Commercial Permits Allowed and Permit Fees	8
	E. Display of Commercial Permit.....	8
	F. Effect of Commercial Permit	8
	G. Conditions for Revocation of Commercial Permit	9

SECTION 1. AUTHORITY AND PURPOSE

A. Authority

These Permit Parking Regulations are promulgated under the provisions of Chapter 317 of the Acts of 1974.

B. Purpose of Regulations

1. Article V, Section 1(m) of the Brookline *Traffic Rules and Regulations*¹ establishes a 2-hour time limit on street parking between the hours of 6:00 AM of one day and 1:00 AM of the following day, Sundays and holidays excepted. Article V, Section 1(m) was adopted for purposes that include, but are not limited to, the following:
 - (a) to facilitate the sharing of limited curbside parking spaces by abutting residents and businesses in densely populated residential areas;
 - (b) to prevent commuters who patronize MBTA commuter rail or bus lines from parking for more than 2 hours on non-metered residential streets in the vicinity of MBTA stations and bus stops, and thereby monopolizing parking spaces and increasing traffic and congestion on residential streets;
 - (c) to prevent employees of establishments in commercial areas or near hospitals and other institutions from parking for more than 2 hours on adjacent, non-metered residential streets, and thereby monopolizing parking spaces and increasing traffic and congestion on residential streets;
 - (d) to prevent special event attendees from parking for more than 2 hours on adjacent, non-metered residential streets during the event and, thereby monopolizing parking spaces and increasing traffic and congestion on residential streets.
2. The Transportation Board recognizes that strict and uniform enforcement of the 2-hour parking time limit regulation may impose undesirable hardships on certain Brookline residents and other constituencies and thereby may warrant the granting of exemptions to the 2-hour time limit by the issuance of parking permits.
3. It is the purpose of these regulations, among other things, to identify the conditions under which exemptions to the 2-hour parking time limit regulation may be justified and to describe the parking permit programs under which such exemptions will be administered.

SECTION 2. DEFINITIONS

For the purpose of this Article, the following words and phrases shall have the following meanings except as otherwise indicated in the text:

“Chief of Police” refers to the Chief of the Brookline Police Department or his designee.

“Commercial permit” means a current and valid parking permit issued under Section 8 of these regulations.

“Curbside parking space” means 20 linear feet of curb, excluding those portions of the curb where the parking of any vehicle is not permitted.

“DPW Commissioner” refers to the Commissioner of the Brookline Department of Public Works or his designee.

“Non-resident vehicle” means a motor vehicle that is not registered to an address in a residential area where it is parked.

“Resident permit” means a current and valid parking permit issued under Section 7 of these regulations.

¹ Article V, Section 1(m). Except as otherwise provided in Article V(B), no driver shall park any vehicle between the hours of 6:00 AM of one day and 1:00 AM of the following day, Sundays and holidays excepted, for a period longer than two hours on any street or highway.

“Resident” means the owner or tenant of residential property in a residential area who can provide proof of residence and, for the purpose of resident permit parking, a valid vehicle registration for a vehicle parked at or in the vicinity of the residence location.

“Resident vehicle” means a motor vehicle parked in a residential area in which it is registered.

“Resident permit parking zone” means an area designated pursuant to Section 7 of this article.

“School” means an accredited educational institution that is devoted to providing academic instruction to students in one or more grades from kindergarten through high school.

“Temporary permit” means a current and valid permit issued under Section 4 of these regulations.

“Transportation Board” means the Board authorized to adopt, alter or repeal rules and regulations relative to the operation of motor vehicles in the Town of Brookline under the provisions of Chapter 317 of the Acts of 1974.

“Transportation Division” means the organizational unit within the Brookline Department of Public Works having responsibility for the administrative implementation of these regulations.

SECTION 3. GENERAL

A. Compliance with Other Laws

1. A parking permit issued pursuant to this article shall not excuse compliance by its holder with any other provision of state law or the Town of Brookline *Traffic Rules and Regulations*.

B. Offenses

1. It shall be unlawful for any person to park a motor vehicle that does not display a temporary permit in a curbside parking space between the hours of 6:00 AM of one day and 1:00 AM of the following day, Sundays and holidays excluded, for a period longer than 2 hours.
2. It shall be unlawful for any person to park a motor vehicle that does not display a resident permit in a curbside parking space on any day or during any hours for which non-resident vehicle parking is prohibited by official signs posted in a resident permit parking area.
3. It shall be unlawful for any person to represent in any fashion that a motor vehicle is entitled to a permit authorized by this article when it is not so entitled. The display of a permit on a motor vehicle not entitled to the parking permit shall constitute such a representation.
4. It shall be unlawful for any person to duplicate, or attempt to duplicate, by any means, a permit authorized by this article. It shall also be a violation of this article for any person to display on any motor vehicle a duplicate permit.
5. It shall be unlawful for any person to rent to another person for daytime occupancy and use the off-street parking space previously used and occupied by a vehicle that has been issued a resident parking permit and is now parked throughout the day in a curbside parking space.

C. Revocation of Permit and Appeals

1. In addition to the penalties provided for violation of this article, the Transportation Division may revoke the parking permit of any person found to be in violation of this article after notice and hearing. Following determination that the person is in violation of this article, and upon written notification thereof, the person shall surrender the permit to the Transportation Division. Failure to surrender a revoked parking permit when requested to do so will constitute a separate violation of this article.
2. Appeals from a revocation action may be made in writing to the Transportation Board within ten (10) days of receipt of notification from the Transportation Division. The Transportation Board will schedule the matter on the agenda of a regular public meeting as soon as possible after receipt.

SECTION 4. TEMPORARY PARKING PERMITS FOR RESIDENTIAL ACTIVITIES

A. Definition of Temporary Permit

1. The Transportation Division or designee of the Chief of Police may issue a temporary parking permit to Brookline residents, or those employed by Brookline residents, who by reason of a unique hardship are unable to comply with the 2-hour daytime limit established for on-street parking by Article V, Section 1(m). A temporary parking permit may be issued only for conditions that are temporary or short-term in duration. As a general practice, a temporary parking permit may be issued for a period of several days or weeks, but not longer than 1 month at a time. The Transportation Division or designee of the Chief of Police may renew a temporary parking permit for good cause.
2. Candidates for temporary permits may include, but are not limited to, the following: (a) tradesmen who are employed by a Brookline resident or establishment and must park on the street because they are unable to secure off-street parking spaces; (b) residents who must park on the street because construction-related activities at their residence does not allow them to utilize their driveways or other off-street parking spaces; (c) guests or visitors of Brookline residents who are unable to find off-street parking; and/or (d) healthcare or childcare providers who are employed by Brookline residents and need relief from parking regulations in order to provide care without interruption.

B. Effect of Temporary Permit

1. A temporary permit is valid only on a designated street(s) during the hours and on the dates specified. Parking for less than 2 hours does not require a temporary permit.
2. A temporary permit is valid only for the time period shown on the permit. If conditions warrant, the permit may be renewed. The issuance and continued use of the permit shall be at the discretion of the Transportation Division or Police Department.
3. A temporary permit shall not excuse its holder from complying with all other parking restrictions and prohibitions posted by signage or otherwise in effect on the assigned street.
4. A temporary permit shall not guarantee its holder that a parking space will be available when needed.
6. Applicants for a temporary permit must demonstrate that no alternative off-street parking is available to meet their needs.
7. Residents applying for a temporary permit may be required to provide proof of residency.

C. Display of Temporary Permit

1. A temporary parking permit in the form of a colored placard issued by the Transportation Division must be displayed on the dashboard of the driver side of the car at all times the vehicle is parked in its designated area. A temporary permit that is not displayed in the required location shall not be a valid permit and may subject the permit holder to a violation of the 2-hour parking time limit regulation.
2. A holder of a temporary permit shall remove the permit from the vehicle and destroy it upon its termination date.

D. Temporary Permit Fee

1. A fee may be charged for the issuance of a temporary permit under this section.
2. If the holder of the temporary permit occupies a metered public parking space, a daily fee per meter may be charged for the use of the metered parking space.
3. Subject to the approval of the Board of Selectmen, the Transportation Board may set and increase fees as necessary at any time to defray the reasonable cost of the temporary permit parking program.
4. The Transportation Division shall not issue any temporary permit under this section unless and until any applicable fee has been paid.

SECTION 5. TEMPORARY PARKING PERMITS FOR MOVING AND CONSTRUCTION ACTIVITIES

A. Designation of Temporary No Parking/Tow Zones

1. Upon request by a Brookline resident, the Transportation Division may designate by signage an on-street parking space or spaces as a temporary no parking and tow zone for the purpose of reserving that location for occupation by a moving van or other vehicle used to move personal property to or from a residence or other location in the Town of Brookline.
2. Upon request by a contractor conducting business in the Town of Brookline, the Transportation Division may designate by signage an on-street parking space or spaces adjacent to a public and private construction site as a temporary no parking and tow zone for the purpose of reserving that location for occupation by a dumpster, or other construction-related equipment or vehicle.
3. The location of a designated no parking/tow zone area shall be identified by placement of an official no parking/tow zone sign issued by the Transportation Division. No other means of restricting parking shall be recognized, including meter bags, orange cones, or safety barrels unless otherwise authorized by the DPW Commissioner or Police Chief or their designees.
4. A temporary no parking/tow zone shall be established for no longer than the time period necessary to complete the moving or construction operation as determined by the Transportation Division. If conditions warrant, the time period associated with a temporary no parking/tow zone may be extended for good cause.

B. Effect of Temporary No Parking/Tow Zone

1. Except for authorized vehicles, public parking shall be prohibited during the hours and on the dates specified within the area that has been designated by signage as a no parking/tow zone area. Violators will be subject to ticketing and towing by the Brookline Police Department.
2. A temporary no parking/tow zone shall exist only for the time period shown on the No Parking/Tow Zone sign(s) that is issued. If conditions warrant, the Transportation Division or Police Department may extend the duration of the temporary no parking/ tow zone.
3. Applicants seeking to designate an area as a temporary no parking/tow zone must demonstrate that no alternative off-street parking is available to meet their needs.

C. Display of No Parking/Tow Zone Signs

1. The number of No Parking/Tow Zone signs necessary at a location, and guidelines for their placement, shall be determined by the Transportation Division.
2. The person that is issued a No Parking/Tow Zone sign or signs shall be responsible for removing the sign or signs upon its termination time and date.

D. Fees for Designation of a Temporary No Parking/Tow Zone

1. A fee may be charged for the issuance of each No Parking/Tow Zone sign.
2. If the designated area involves a metered public parking space, a daily fee per meter may be charged for the use of each metered parking space.
3. Subject to the approval of the Board of Selectmen, the Transportation Board may set and increase fees as necessary at any time to defray the reasonable cost of the temporary no parking/tow zone program.
4. The Transportation Division shall not issue any No Parking/Tow Zone signs under this section unless and until all applicable fees have been paid.

SECTION 6. PARKING PERMITS FOR SCHOOL STAFF

A. School Permit Parking Plan for Public Schools Owned and Operated by the Town of Brookline

1. School Permit Parking Plan

- a. If after exhausting all reasonable efforts to limit the demand for on-street parking spaces (a) by creating as many off-street parking spaces as feasible on the school property or at remote, off-street locations, and (b) by encouraging transit use and carpooling, there remains a need for school staff to park on adjacent residential streets for more than 2 hours, the Transportation Board shall authorize the granting of exemptions to the 2-hour rule during the school day and school year to those staff persons identified in a school permit parking plan approved by the Transportation Board.

2. School Staff Permits

- a. As a condition of granting exemptions to the 2-hour rule for school staff, the Transportation Division or its designee shall annually manufacture and distribute uniquely identifiable permits as approved by the Transportation Board for placement on the rear passenger side windows of all exempted vehicles that will be parked on streets adjacent to the school during that school calendar year. If necessary, the streets (or street segments) on which the permitted vehicles are to be parked may be determined and designated by signage by the Transportation Division.

B. School Permit Parking Plan for Private and Charter Schools

1. School Permit Parking Plan

- a. If after exhausting all reasonable efforts to limit the demand for on-street parking spaces (a) by creating as many off-street parking spaces as feasible on the school property or at remote, off-street locations, and (b) by encouraging transit use and carpooling, there remains a need for school staff to park on adjacent residential streets for more than 2 hours, the Transportation Board shall authorize the granting of exemptions to the 2-hour rule during the school day and school year to those staff persons identified in a school permit parking plan approved by the Transportation Board.

2. School Staff Permits

- a. As a condition of granting exemptions to the 2-hour rule for school staff, the Transportation Division or its designee shall annually manufacture and distribute uniquely identifiable permits as approved by the Transportation Board for placement on the rear passenger side windows of all exempted vehicles that will be parked on streets adjacent to the school during that school calendar year. If necessary, the streets (or street segments) on which the permitted vehicles are to be parked may be determined and designated by signage by the Transportation Division.
- b. A fee equivalent to On-street Commercial Permit Parking as outlined in Section 8.D.2 of these Rules and Regulations shall be charged to the school for each permit issued under this regulation.

SECTION 7. RESIDENT PARKING PERMITS

A. Boundaries of Resident Permit Parking Areas

1. There shall be nine (9) distinct resident permit parking zones established within the Town of Brookline. The boundaries of each of the nine permit parking zones shall be commensurate with the boundaries of the police sectors shown in Map 1 and be identifiable by a unique number and color.

B. Resident Eligibility for Resident Parking Permit

1. Every qualified resident living at an address within the boundaries of a resident permit-parking zone may obtain a resident parking permit for that zone. A resident is qualified if he or she is an owner or tenant of a residential property on a street in the zone who can provide both proof of residency (e.g., valid Massachusetts' drivers license, copy of current lease or utility bill in his/her name at the residence claimed) and has a valid Massachusetts vehicle registration in his/her name for the vehicle parked at or in the vicinity of the residence location.
2. No resident permit shall be issued for a motor vehicle whose owner or principal operator does not reside within the boundaries of the applicable permit-parking zone.
3. Resident permits shall not be issued to non-residents of the applicable permit-parking zone, or to business owners or employees of commercial areas within the zone.

C. Issuance of Resident Permits

1. In order to obtain a resident parking permit, a resident of a resident permit-parking zone shall submit a completed resident permit application to the Transportation Division and pay the appropriate fee.
2. A resident parking permit shall be valid for a period of not more than one year from its date of issuance and may be renewed for as long as the motor vehicle qualifies for a resident permit. All resident parking permits shall expire annually on July 1.
3. A resident parking permit issued for a motor vehicle that no longer qualifies for a resident parking permit is void.
4. A resident may obtain a replacement resident parking permit in the same manner and for the same fee as the original resident parking permit upon providing satisfactory evidence to the Transportation Division that the original permit has been destroyed.

D. Number of Resident Permits Allowed and Permit Fees

1. Only one resident parking permit shall be issued for each registered motor vehicle.
2. A fee may be charged for the issuance of each resident parking permit.
3. Subject to the approval of the Board of Selectmen, the Transportation Board may set and increase the fee for each permit at any time to defray the reasonable cost of issuing the permits. Said fee is set at twenty five dollars (\$25) per fiscal year.
4. The Transportation Division shall not issue any resident parking permit under this section unless and until the applicable fee has been paid.

E. Display of Permit

1. Each resident parking permit (sticker) shall be permanently affixed to the lower left side of the rear window of the vehicle (back window driver's side). A resident parking permit that is not permanently affixed in the required location shall not be a valid permit.

F. Effect of Resident Permit

1. Unless otherwise regulated, all Brookline residents and non-residents may park for up to 2 hours only in any unmetered, on-street parking space in any resident permit-parking zone throughout the Town of Brookline.
2. A resident parking permit shall provide its holder the right to park for longer than 2 hours in any legal, on-street parking space that is located on the street and within the resident permit parking zone in which the permit was issued. A resident parking permit shall be valid only on the street in the resident permit-parking zone for which it is issued.
3. A resident who parks for longer than 2 hours on any street, or in any permit parking zone, other than the one for which the parking permit was issued shall be subject to the same penalty for overtime (2 hours) parking as all other violators.
4. A resident parking permit shall not guarantee or reserve a curbside parking space for its holder on the street or within the resident permit-parking zone in which it is issued. A resident parking permit shall not excuse its holder from the observance of any other traffic or parking regulation in effect on any street or within any resident permit parking zone.

5. When the holder of a resident parking permit, or the vehicle for which the resident parking permit was issued, no longer fulfills one or more of the applicable provision of this section regarding the issuance or renewal of permits, the holder shall notify the Transportation Division and shall surrender the permit or present evidence that the permit has been removed from the motor vehicle.
6. Until its expiration, surrender or revocation, a resident permit shall remain valid for the length of time the holder continues to reside on the street and within the designated resident permit-parking zone in which it was issued.

G. Conditions for Revocation of Resident Permit

1. A resident parking permit may be revoked by the Transportation Board if it is found, after field investigation and public hearing, that its holder has rented to another person for daytime occupancy and use the off-street parking space previously used and occupied by the vehicle that has been issued the resident parking permit and is now parked throughout the day in a curbside parking space.
 - b. The resident parking permit program was developed to enable a resident to park for longer than 2 hours on the street near his or her home. It is expected that resident parking permit holders will not habitually park for longer than two hours elsewhere in the resident parking permit zone for which the permit is issued. For this reason, each resident permit (sticker) will bear the name of the street on which the associated vehicle is registered. A resident parking permit may be revoked by the Transportation Board if it is found, after field investigation and public hearing, that the vehicle on which the permit is affixed is parking regularly at a substantial distance (e.g., several blocks) from his or her home, particularly in any area where parking is scarce relative to demand (e.g., near a transit station, school, or commercial area), suggesting the resident permit is enabling the holder to effectively "commute" within the zone.

H. Eligibility, Fee, and Display of Visitor Permit

1. Every qualified resident living at an address on a street that is designated by a majority vote of the Transportation Board as being "Permit Parking Only" may obtain a maximum of two (2) visitor hang tag permits. A resident is qualified if he or she is an owner or tenant of a residential property on the street who can provide proof of residency (e.g., valid Massachusetts' drivers license, copy of current lease or utility bill in his/her name at the residence claimed).
2. Subject to the approval of the Board of Selectmen, the Transportation Board may set and increase the fee for each permit at any time to defray the reasonable cost of issuing the permits. Said fee is set at five dollars (\$5) per fiscal year.
3. Each visitor permit (hang tag) must be affixed to the rear view mirror and be clearly visible when viewed through the front windshield. A visitor permit that is not placed in the required location or visible shall not be a valid permit.

I. Effect of Visitor Permit

1. A visitor permit shall provide its holder the right to park for longer than 2 hours in any legal, on-street parking space that is located on the street in which the permit was issued.
2. A visitor permit shall not guarantee or reserve a curbside parking space for its holder on the street in which it is issued. A visitor permit shall not excuse its holder from the observance of any other traffic or parking regulation in effect on any street or within any resident permit parking zone.
3. A visitor permit shall not be displayed on the same vehicle for a period of greater than five (5) consecutive days.
4. A visitor permit may be revoked by the Transportation Board if it is found, after field investigation and public hearing, that its holder has rented, sold, or transferred the permit to another person for daytime occupancy or is using said permit in violation of section 7.1.3 of Article V(b).

SECTION 8. COMMERCIAL PARKING PERMITS

A. Types and Number of Commercial Parking Permits

1. There shall be three types of commercial parking permits defined by the location and price of the parking spaces made available for such use:

- a. **Public Parking Lot:** A commercial parking permit may be issued on an annual basis for parking in a town-owned, off-street parking lot designated exclusively for such use by the Transportation Board.
 - b. **Metered Parking Space:** A commercial parking permit may be issued on an annual basis for parking in a metered, curbside parking space designated by signage exclusively for such use by the Transportation Board.
 - c. **Non-Metered Parking Space:** A commercial parking permit may be issued on an annual basis for parking in an non-metered, curbside parking space located on a specific street adjacent to a commercial district designated for such use by the Transportation Board.
2. The Transportation Board shall determine the location and number of parking spaces to be made available for commercial parking in the Town of Brookline. The location of commercial permit parking areas will be based upon the characteristics of the parking supply and peak period parking demand found to exist in each of the commercial districts.
- a. A public parking lot may be reserved for commercial parking where it is determined that adequate parking to satisfy the peak period demand for parking by the customers of area businesses exists at other public parking facilities and locations within reasonable walking distance of the affected lot;
 - b. On-street, metered parking spaces may be reserved for commercial parking where it is determined that adequate parking to satisfy the peak period demand for parking by customers of area businesses exists at other public parking facilities and locations within reasonable walking distance of the reserved spaces;
 - c. On-street, non-metered parking spaces on local streets within reasonable walking distance of a commercial district may be assigned for use by commercial parking permit holders. The number of commercial permits assigned to any one street segment shall be limited to 40% of the total number of legal on-street parking spaces available on the street, unless determined by the Transportation Board that a higher percentage of commercial parking permits would be acceptable.
- c. The Transportation Board may from time to time, based on changes in parking conditions and after public hearing, change the location and number of commercial parking permits issued under this regulation. The commercial parking permit areas currently authorized in Brookline are as follows:

<u>Type of Permit</u>	<u>Lot/Street</u>	<u>Lot/Street Capacity</u>	<u>Authorized # Permits</u>
Public Parking Lot	Centre Street West Lot	56 spaces	66
	John Street Lot	14 spaces	14
Metered Parking Space	Kent/Station Street Lot	15 spaces	unlimited
	Kent Street	37 spaces	unlimited
	Harvard Street	13 spaces	unlimited
Non-metered Parking Space			40% of legal spaces

B. Eligibility for Commercial Parking Permit

1. All owners or employees of businesses operating from an address within a commercial district may apply for an annual parking permit that authorizes its holder to park in an assigned off-street parking lot, or on an assigned street, designated for commercial parking by the Transportation Board. An owner or employee of a business does not have to be a Brookline resident to qualify for a commercial parking permit.
2. An owner or employee of a business operating from an address within a commercial district will be eligible for a commercial parking permit if he or she can provide proof of ownership or employment at the business location. The Transportation Board will require applicants to produce such evidence as they consider reasonable to verify eligibility.

3. The vehicle to which to commercial parking permit is affixed must be a passenger vehicle registered in the Commonwealth of Massachusetts. Commercial parking permits may not be used for the parking of commercial classification vehicles.

C. Issuance of Commercial Permits

1. The Transportation Division will maintain a chronological list of all owners or employees interested in obtaining a commercial parking permit. All applicants must identify the type(s) of commercial parking permit they would like to obtain. When a commercial parking permit space becomes available at the requested location, a commercial parking permit will be offered to the first eligible applicant whose name appears on the chronological list for the type of commercial permit that has become available.
2. In order to obtain a commercial parking permit, an owner or employee of a business must submit a completed commercial permit application to the Transportation Division and pay the appropriate fee.
3. A commercial parking permit shall be valid for a period of not more than one year from its date of issuance and may be renewed for as long as the business continues to be located at its present address. All commercial parking permits shall expire annually on July 1.

D. Number of Commercial Parking Permits Allowed and Permit Fees

1. An annual fee will be charged for the issuance of each commercial parking permit.
2. Subject to the approval of the Board of Selectmen, the Transportation Board may set and increase the fee for each permit at any time to defray the reasonable cost of issuing the permits. The following schedule of permit fees are currently in effect for commercial parking permits:

<u>Permit Type</u>	<u>Fee</u>	<u>Billing Cycle</u>
Commercial parking permit (off-street, non-metered lot)	\$ 78/month ¹	Quarter
Commercial parking permit (on/off-street, metered space)	\$ 25 ²	Annual
Commercial parking permit (on-street, non-metered space)	\$ 300 ³	1 st year until 1/08
	\$ 600	Effective 1/08

¹ Plus an annual administrative fee of \$25 per permit.

² Permit holder must also pay meter fee when parked.

³ Plus an annual administrative fee of \$25 per permit.

The cost of commercial parking permits issued on a quarterly basis will be pro-rated on the basis of the time remaining in the quarterly billing cycle. The cost of a commercial parking permit may also be adjusted in response to the temporary displacement of commercial permit holders from their assigned spaces (e.g., Farmers Market).

3. The Transportation Division shall not issue or renew any commercial parking permit under this section unless and until the applicable permit fee has been paid.

E. Display of Commercial Permit

1. Each commercial parking permit (hang tag) must be affixed to the rear view mirror and be clearly visible when viewed through the front windshield. A commercial parking permit that is not placed in the required location or visible shall not be a valid permit.

F. Effect of Commercial Permit

1. A commercial parking permit (hang tag) shall provide its holder the right to park in accordance with the following terms.
 - a. A commercial parking permit that authorizes parking in a public lot will be valid only in the assigned lot between the hours of 9:00 AM and 8:00 PM, Monday through Saturday.
 - b. A commercial parking permit that authorizes parking in a metered parking space will be valid only in the area designated for such commercial permit parking between the hours of 8:00 AM and 6:00

PM, Monday through Saturday. A commercial parking permit for on-street parking shall not be valid during the period of a declared snow emergency.

- c. A commercial parking permit that authorizes parking in a non-metered parking space on the street will be valid only on the assigned street between the hours of 8:00 AM and 6:00 PM on the days of the permit holders employment. A commercial parking permit for on-street parking shall not be valid during the period of a declared snow emergency.
2. A commercial parking permit (hang tag) may be shared among employees (i.e., is transferable between vehicles).
3. A commercial parking permit holder who parks for longer than 2 hours on any street for which the permit is not assigned, parks in any permit parking area other than the one for which the commercial parking permit was issued, or fails to pay the required meter fees when parked in a metered space, shall be subject to the same penalties for parking violations as all other violators.
4. Holders of commercial parking permits authorized to park in metered spaces are not guaranteed a parking space. A commercial parking permit that authorizes parking in an on-street, non-metered parking space shall also not guarantee or reserve a curbside parking space for its holder on the assigned street. Permit holders assigned to an on-street non-metered parking area may apply to the Transportation Division for assignment to another street if parking is unavailable on a repeated basis on the currently assigned street.
5. A commercial parking permit shall not excuse its holder from the observance of any other traffic or parking regulation in effect on any street to which it is assigned except time-based regulations that fall within the 8:00 AM to 6:00 PM time frame.
6. A commercial parking permit must be returned to the Transportation Division if the business to which it is assigned ceases to operate or changes its business location.
7. Until its expiration, surrender or revocation, a commercial parking permit shall remain valid for the length of time the assigned holder continues to do business at the address to which the permit was issued.

G. Conditions for Revocation of Commercial Parking Permit

1. A commercial parking permit may be revoked if it is found that it has been transferred to another business, or is being utilized by a person that is not an employee of the business to which it was issued.
2. A commercial parking permit may be revoked if it is found that the vehicle on which the permit is affixed is parking regularly at a location to which it was not assigned. Commercial parking permit holders authorized to park on the street in non-metered spaces are requested not to obstruct access to resident driveways, and to park at least 10 feet from a fire hydrant and 20 feet from an intersection.
3. A commercial parking permit shall be revoked if the applicable permit fees are not paid when due.
4. It is the responsibility of the owner of the business to which the commercial permits are issued to ensure that employees use the permits in accordance with these regulations and the terms of their agreements.

ARTICLE VI

ONE-WAY STREETS

Section 1

ONE-WAY STREETS:

The streets or portions thereof designated in Schedule #2 hereto appended and specifically incorporated in this section are declared to be one way streets and all vehicular direction designated in said Schedule #2.

Section 2

ROTARY TRAFFIC:

Within the areas set forth below, vehicular traffic shall move only in a rotary counter clockwise direction except when otherwise directed by an officer:

- (a) Horace James Circle at Hammond Street, Newton Street, LaGrange Street and Hammond Pond Parkway.
- (b) Grove Street and West Roxbury Parkway.
- (c) Chestnut Street, Pond Avenue and Riverdale Parkway.
- (d) Lee Street, Dudley Street and Warren Street
- (e) Beacon Street crossover opposite Marion Street
- (f) Circle at terminal of Singletree Road
- (g) Circle at terminal of Goddard Circle
- (h) Circle at terminal of Chatham Circle
- (i) Williston Road, Evans Road, Downing Road
- (j) South Street at Intervale Road, Grassmere Road
- (k) Circle at terminal of Baker Circle

ARTICLE VII

OPERATION OF VEHICLES

Section 1

OVERTAKING OTHER VEHICLES:

The driver of a vehicle shall not pass or overtake a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be concluded without impeding the safe operation of the vehicle ahead.

Section 2

DRIVER TO GIVE WAY TO OVERTAKING VEHICLE:

The driver of a vehicle when about to be overtaken and passed by another vehicle approaching from the rear shall way to the r1qht in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Section 3

OBSTRUCTING TRAFFIC:

No person shall drive, stop or stand a vehicle in such a manner as to obstruct unnecessarily the normal movement of traffic upon any street or highway. Officers are hereby authorized to require any driver who fails to comply with this section to drive to the side of the roadway and wait until such traffic as has been delayed has passed. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the vehicle or street car that he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indicating to proceed.

Section 4

FOLLOWING TOO CLOSELY:

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard to the speed of such vehicle and the traffic upon and the condition of the street or highway.

Section 5

SLOW VEHICLES TO STAY 200 FEET APART:

Upon roadways less than twenty seven (27) feet wide and upon which vehicular traffic is permitted to move in both directions, the driver of any slow moving vehicle when traveling outside of a business or residential district shall not follow another slow moving vehicle within two hundred (200) feet, but this shall not be construed to prevent such slow moving vehicle from overtaking and passing another slow moving vehicle. This section shall not apply to funerals and other lawful processions.

Section 6

CARE IN STOPPING, STARTING, TURNING, OR BACKING:

The driver of any vehicle before stopping, starting, turning from a direct line, or backing, shall first see that such movement can be made in safety. If such movement cannot be made in safety or if it interferes unduly with the normal movement of traffic, said driver shall wait for a more favorable opportunity to make such movement. The driver of any vehicle shall not back the vehicle around a corner or into an intersection.

Section 7

OBEDIENCE TO TRAFFIC CONTROL SIGNALS:

Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this section, and no other meanings, and every driver of a vehicle, railway car or other conveyance shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign (other than a stop sign), signal or device. In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection, regardless of what indications may be given by traffic control signals.

(1) Green indications shall have the following meanings:

- (a) Drivers facing a CIRCULAR GREEN may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But drivers turning right or left shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- (b) Drivers facing a GREEN ARROW, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such drivers shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(2) Steady yellow indications shall have the following meanings:

- (a) Drivers facing a steady CIRCULAR YELLOW OR YELLOW ARROW signal are thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately there after when drivers shall not enter the intersection.

(3) Steady red indications shall have the following meanings:

- (a) RED- Traffic facing a steady CIRCULAR RED signal alone shall stop at a clearly marked stop line, or if none, before entering the crosswalk on the near side of the intersection or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as allowed by Chapter 89,' Section 8 of the General Laws.
- (b) No driver of a vehicle facing a CIRCULAR RED signal indication shall make a right turn where official traffic signs are installed and maintained, prohibiting such turns at the intersections listed in Schedule No. 9.
- (c) Drivers facing a steady RED ARROW indication may not enter the intersection to make the movement indicated by such arrow, and unless entering the intersection to make such other movement as is permitted by other indications

shown at the same time, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none then before entering the intersection and shall remain standing until an indication to make the movement indicated by such arrow is shown.

Section 8

OBEDIENCE TO STOP SIGNS:

Every driver of a vehicle or other conveyance approaching an intersection of ways where there exists facing him an official sign bearing the word "STOP", or a flashing red signal indication, said sign or signal having apart from these Rules and Regulations, the written approval of the Department of Public Works of the Commonwealth of Massachusetts, and such approval being in effect, shall, before proceeding through the intersection, bring such vehicle or other conveyance to a complete stop at such point as may be clearly marked by a sign or crosswalk of the said intersection.

In accordance with the provisions of Chapter 89, Section 9, of the General Laws, the streets listed in Schedule # 3 of these Rules and Regulations are hereby designated as stop streets at the intersections and in the direction indicated. Schedule # 3 is hereby specifically incorporated in this section.

This section shall not apply when traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal, or device or as provided in subsection 19b of this Article.

Section 9

(A) RIGHT TURNS PROHIBITED:

No driver of vehicle shall make a right turn at the intersections listed below and in the direction specified:

- (1) No vehicle going east on Mountfort Street shall make a right turn into St. Mary's Street.
- (2) No vehicle going southeasterly on Mountfort Street shall make a right turn into Lenox Street.
- (3) No vehicle going west on Kent Street shall make a right turn into Webster Place.

- (4) No vehicle going north on Thorndike Street shall make a right turn into Hamilton Road.
- (5) No vehicle going westerly on Tappan Street shall make a right turn into Gardner Road from 7 AM to 10 AM, Monday to Friday.
- (3) No vehicle going south on Harvard Square shall make a right turn to Washington Street westbound.

(B) LEFT TURNS PROHIBITED:

No driver of a vehicle shall make a left turn at the intersections listed below and in the directions specified:

- (1) No vehicle going east or west on Beacon Street shall make a left turn into Harvard Street.
- (2) No vehicle going east on Beacon Street shall make a left turn into Powell Street.
- (3) No vehicle going east on Beacon Street shall make a left turn into Carlton Street.
- (4) No vehicle going south on Harvard Street shall make a left turn into "Sewall Avenue.
- (5) No vehicle going east on Beacon Street shall make a left turn into Winchester Street.
- (6) No vehicle going west on Beacon Street shall make a left turn into Center Street.
- (7) No vehicle going easterly on a private roadway entering the intersection of Pond Avenue and Chestnut Street shall make a left turn into Chestnut Street.
- (8) No vehicle going west on Beacon Street shall make a left turn into Washington Street.
- (9) No vehicle going north on Essex Street shall make a left turn into Mountfort, Street.
- (10) No vehicle going east on Beacon Street shall make a left turn from the southerly roadway at a point opposite Pleasant Street.

- (11) No vehicle going north or south on Harvard Street shall make a left turn into Beacon Street.
- (12) No vehicle going east on Beacon Street shall make a left turn from the southerly roadway at a point opposite Corey Road.
- (13) No vehicle going south on Harvard Street shall make a left turn into Green Street.
- (14) No vehicle going south on Summit Avenue shall make a left turn into Beacon Street.
- (15) No vehicle going west on School Street shall make a left turn into Washington Street.
- (16) No vehicle going west on Webster Place shall make a left turn into Harvard Street (4:00- 6:00 P.M.).
- (17) No vehicle going east on Webster Street shall make a left turn into Harvard Street (4:00-6:00 P.M.).
- (18) No vehicle going south on Cemetery Drive shall make a left turn into Sheafe Street.
- (19) No vehicle going north on South Street shall make a left turn into Newton Street.
- (20) No vehicle going southbound on Washington Street shall make a left turn to Harvard Street northbound.
- (21) No vehicle going southbound on Washington Street shall make a left turn to Andem Place eastbound.
- (22) No vehicle going west on the Devotion School driveway shall make a left turn into Harvard Street.
- (23) No vehicle going south on Thorndike Street shall make a left turn into Hamilton Road.
- (24) No vehicle going south on Chestnut Hill Avenue shall make a left turn into Clinton Road between 7:00 and 9:00 a.m.

- (25) No vehicle going west on Beverly Road shall make a left turn into the Baker School driveway.

(C) U TURNS PROHIBITED:

No operator shall back or turn a vehicle so as to proceed in a direction opposite to that in which the said vehicle is headed or traveling on the following streets:

- (1) Cypress Street, southwesterly end of the divisional island at the intersection of Cypress Street and Washington Street.
- (2) Harvard Street, entire length
- (3) Washington Street, westerly end of the divisional island opposite High Street.
- (4) Washington Street, northerly end of the divisional island opposite Davis Avenue.
- (5) Grove Street, southwesterly. end of the divisional island at South Street.
- (6) Washington Street, southerly end of the divisional island opposite Station Street.
- (7) Washington Street, northerly end of the divisional island opposite Davis Avenue.

Section 10

EMERGING FROM AN ALLEY OR PRIVATE DRIVEWAY:

The driver of a vehicle emerging from an alley, driveway, private way, garage or building shall stop such vehicle immediately Prior to driving onto a sidewalk or onto the sidewalk area extending across the alley or driveway, and upon entering the roadway shall yield the right of way to all vehicles approaching upon the roadway.

Section 11

CROSSING RESERVATIONS:

No person driving or having charge of a vehicle or other conveyance shall drive or permit the said vehicle or conveyance to go upon any street car reservation or other well defined reservation in the Town.

Section 12

KEEP TO THE RIGHT OF THE ROADWAY DIVISION:

Upon such roadways as are divided by a grass plot, reservation, viaduct, subway or by any structure or area, drivers shall keep to the right of such division, except when otherwise directed by an officer or official signs, signals or markings.

Section 13

OPERATION AT UNDER OR OVERPASS AND AT INTERSECTION WITH ISLANDS:

At any Junction or crossing of ways where the roadway grades have been separated and where the ways are connected by ramps and at intersection of ways in which there are traffic islands, drivers of vehicles shall proceed only as indicated by official signs, signals or markings.

Section 14

DRIVING ON ROAD SURFACES UNDER CONSTRUCTION:

No operator shall enter upon the road surface of any street or highway or section thereof, when, by reason of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road service is closed to travel, and one or more signs, signals or lights have been erected to indicate that all or part of the road surface of the street or highway is not to be used, or when so advised by an officer, watchman, member of a street or highway crew, or employee of the town either audibly or by signals.

Section 15

NO DRIVING ON SIDEWALKS:

The driver of any vehicle shall not drive upon or across any sidewalk except at a temporary or permanent driveway.

Section 16

NO DRIVING THROUGH SAFETY ZONES:

It shall be unlawful for the driver of any vehicle, except on the signal of a police officer, to drive such vehicle over or through a safety zone.

Section 17

NO PASSING A VEHICLE STOPPED FOR A PEDESTRIAN:

Whenever a vehicle is stopped to permit a pedestrian to cross the roadway, the driver of another vehicle approaching from the rear shall not overtake and pass such stopped vehicle notwithstanding the provisions of any other section.

Section 18

FUNERALS TO BE PROPERLY IDENTIFIED:

A funeral composed entirely of or partly of a procession of vehicles shall be identified as such by means of black pennants bearing a purple cross or other suitable insignia attached to the first and last vehicles.

Section 19

RIGHTS AND DUTIES OF DRIVERS IN FUNERALS OR OTHER PROCESSIONS:

- (A) It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the roadway as is practicable and safe.
- (B) At an intersection where a traffic control signal is operating or a Stop sign located, the driver of the first vehicle in a funeral or other procession shall be the only one governed by the traffic signal indication or stop sign.

Section 20

SOUND HORN WHEN NECESSARY:

The driver of a vehicle shall give audible warning with his horn or other suitable warning device when necessary to insure safe operation.

Section 21

THROUGH WAYS:

In accordance with the provisions of Chapter 89, Section 9 of the General Laws the ways or parts of ways in Schedule 4 of these Regulations to which reference is made and which Schedule 4 is specifically incorporated in this Section are hereby designated as through ways.

Section 22

MANDATORY TURN LANES:

At any signalized or other intersection of ways described herein where the roadway is divided into lanes by pavement markings or other means and official signs are erected requiring a right turn or left turn only for such lane, drivers of vehicles in the designated lanes must make such movement and no other at said intersection.

Section 23

MANDATORY TURNS:

The driver of any vehicle except an emergency vehicle entering any of the intersections on the street and in the direction listed in Schedule # 5 must turn in the direction specified therein.

Section 24

YIELD SIGNS:

Every driver of a vehicle or other conveyance approaching an intersection of ways, where there exists facing him an official sign bearing the word "Yield," said sign having been erected in accordance with the accepted Manual on Uniform Traffic Control Devices of the Commonwealth of Massachusetts in accordance with Chapter 85 Section 2 of the Massachusetts General Laws,

shall surrender to oncoming traffic his right to enter the intersection until such time as he has brought his vehicle or other conveyance to a complete stop at a point between the said "Yield" sign and the nearer line of the street intersection, provided, however, that this requirement to stop before entering the intersection shall not apply when a driver approaching a "Yield" sign can enter the intersection in safety without causing interference to approaching traffic.

In accordance with the provisions of Chapter 89, Section 9 of the General Laws, the streets listed in Schedule #6 of these Rules and Regulations are hereby designated as Yield Streets at the intersections and directions indicated. Schedule #6 is hereby specifically incorporated in this Section.

This section shall not apply when traffic is otherwise directed by an officer or by a lawful regulating sign, signal or device or as provided in subsection 19b of this Article.

Section 25

SPEED ZONES:

Chapter 90, Section 17 of the Massachusetts General Laws establishes a prima facie speed limit of 20 mph. within a School Zone. Section 18 of Chapter 90 of the Massachusetts General Laws authorizes the Transportation Board to establish special speed regulations in accordance with established and accepted procedures. Such speed regulations shall become effective when properly approved and advertised by the Transportation Board, approved by the Department of Transportation, and properly posted.

In accordance with the above provisions, special speed limits are hereby established in the Town of Brookline as listed in Schedule # 10 of these Rules and Regulations.

ARTICLE VII(A)
PEDESTRIAN CONTROL REGULATIONS

Section 1

PEDESTRIANS CROSSING ROADS OR ROADWAYS:

Pedestrians shall obey the directions of police officers directing traffic and whenever there is an officer directing traffic, or a traffic control signal within three hundred (300) feet of a pedestrian, no such pedestrian shall cross a way or roadway except within the limits of the marked crosswalk at the signalized location and hereinafter provided in these regulations.

For the purpose of these regulations, a marked crosswalk shall only be construed to be that area of a roadway reserved for pedestrian crossing located between two solid white reflectorized 12 inch pavement markings in rural areas or markings not less than six inches wide in urban areas, said markings or lines being no less than six feet apart.

Section 2

PEDESTRIAN ACTUATION:

- (a) At a traffic control signal location where pedestrian indications are provided but which show only upon actuation by means of a pedestrian push button, no pedestrian shall cross a roadway unless or until the pedestrian control signal push button has been actuated and then cross only on the proper pedestrian signal indication. At traffic control signal locations where no pedestrian indication is provided, pedestrians shall cross only on the green indication. If necessary, the green indication shall be actuated by the pedestrian by means of a push button.
- (b) At a traffic control signal location, pedestrians shall yield the right of way to vehicles of a funeral or other procession or authorized emergency vehicle while in performance of emergency duties regardless of the signal indication given, and they shall not attempt to cross the roadway until such vehicles or procession has passed at which time pedestrians shall then cross the roadway only as provided in these regulations.

Section 3

PEDESTRIAN OBEDIENCE TO TRAFFIC CONTROL SIGNALS:

Traffic control signal color indications shall have the commands ascribed to them in this section and no other meanings, and every pedestrian shall comply therewith, except when otherwise directed by a police officer.

- (a) **RED AND YELLOW OR THE WORD "WALK":** Whenever the red and yellow lenses are illuminated together or the single word "WALK" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signal only.
- (b) **RED ALONE OR DON'T WALK:** Whenever the words "DON'T WALK" or any indication other than red and yellow shown together are illuminated in a traffic control signal where pedestrian indications are provided, pedestrians approaching or facing such indications shall wait on the sidewalk, edge of the roadway or in the pedestrian refuge area of a traffic island and shall not enter upon or cross a roadway until the proper indication is illuminated in the traffic control signal, but any pedestrian who has partially completed his crossing on the walk indication shall proceed or return to the nearest sidewalk or safety island on the yellow indication, the red indication or when the words "DON'T WALK" are illuminated by rapid intermittent flashes.
- (c) **GREEN ALONE:** At traffic control signal locations where no pedestrian indication is given or provided, pedestrians facing the signal may proceed across the roadway within any marked crosswalk in the direction of the green indication.
- (d) **YELLOW ALONE, RED ALONE OR FLASHING "DON'T WALK":** Pedestrians approaching or facing a yellow, red or flashing "DON'T WALK" illuminated indication shall not start to cross a roadway.
- (e) **FLASHING RED, YELLOW OR GREEN:** At any traffic control signal location where a flashing red, flashing yellow or flashing green indication is being given facing a crosswalk, pedestrians shall actuate, where provided, the pedestrian signal indication and cross the roadway only on the red yellow or "WALK" indication when such indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within the crosswalks with due care.

Section 4

PEDESTRIAN CROSSINGS AND USE OF ROADWAYS:

It shall be unlawful for any person to actuate a pedestrian control signal unless a crossing of the roadway is intended.

Section 5

OPERATORS TO EXERCISE DUE CARE:

The provisions of these regulations shall in no way abrogate the provisions of Chapter 90, Section 14 and 14A of the Massachusetts General Laws which provides "Precautions for Safety of Other Travelers" and for the "Protection of Blind Persons Crossing Ways". Furthermore, notwithstanding the provisions of these regulations, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the roadway and shall give warning by sounding the horn when necessary and shall exercise proper precautions which may become necessary for safe operation.

Section 6

VEHICLE OPERATION AT CROSSWALKS:

- (a) When traffic control signals are not in place or not in operation, the driver of a vehicle, which for the purposes of this article shall include bicycles, shall yield the right of way, slowing down or stopping if need be so as to yield, to a pedestrian crossing the roadway within a marked crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian approaches from the opposite half of the roadway to within 5 feet of that half of the roadway upon which the vehicle is traveling.
- (b) No operator of a vehicle shall pass any other vehicle which has been stopped at a marked crosswalk to permit a pedestrian to cross a way, nor shall any operator enter a marked crosswalk until there is sufficient space on the other side of the crosswalk to accommodate the vehicle he is operating notwithstanding any traffic control signal to proceed.

Section 7

OFFICERS TO ENFORCE PEDESTRIAN REGULATIONS:

These pedestrian control regulations shall become effective and are to be enforced by all officers of the Town of Brookline on and after September 8, 1965.

Section 8

EXEMPTIONS:

The provisions of these rules and regulations governing the use of the ways by pedestrians shall not apply to pedestrians actually engaged in work upon a roadway closed to travel or under construction or repair, to municipal, state, federal, or public service corporation employees while in the performance of their duties, to officers engaged in the performance of their public duties or to pedestrians acting in an emergency when such emergency necessitates departure from any part of these rules and regulations.

Section 9

PENALTIES:

Any person who violates the provisions of this Article which deal with the proper use of the ways by pedestrians shall be punished as provided in Chapter 90, Section 18A of the Massachusetts General Laws.

No person shall stand in a roadway for the purposes of soliciting a ride, employment or business from the operator or occupant of any vehicle without the written permission of the board or officer having control of such roadway or highway.

Section 10

These Rules and Regulations are adopted with the intent that each shall have force and effect separately and independently of each other except insofar as by express reference or necessary implication any rule or Regulation or any part of a Rule or Regulation or part thereof.

The provisions of the Rules and Regulations so far as they are the same in effect as those of any existing Rules and/or Regulations heretofore adopted by the Transportation Board of the Town of Brookline relative to or in connection with, official signs, lights, markings, signal systems or shall be

construed as a continuation thereof, but all other existing Rules and regulations are hereby expressly repealed.

This repeal, however, shall not affect any punishment or penalty imposed or any complaint or prosecution pending at the time of the passage hereof for an offense committed under any of the said valid Rules and Regulations hereby repealed.

ARTICLE VIII

HEAVY AND COMMERCIAL VEHICLES EXCLUDED

Section 1

COMMERCIAL VEHICLES EXCLUDED:

No commercial vehicle shall be operated at any time on the following named streets or parts thereof.

- (a) Downing Road - entire length
- (b) Evans Road - from Washington Street to Williston Road
- (c) Middlesex Road - entire length
- (d) Norfolk Road - entire length
- (e) Riverdale Parkway - entire length
- (f) Russett Road - entire length
- (g) Salisbury Road - from Washington Street to Williston Road
- (h) University Road - entire length
- (i) Woodland Road - entire length

Section 2

HEAVY COMMERCIAL VEHICLES EXCLUDED:

The use and operation of heavy commercial vehicles is hereby restricted on those streets, parts of streets and off street Parking areas controlled by the town, described in this section, in the manner outlined, and during the time set forth:

- (a) Amory Street - entire length at all times
- (b) Carlton Street - from Beacon Street to Lenox Street from 9:00 p.m. to 7:00 a.m.
- (c) Center Street - Off Street Parking Area - entire area at all times.
- (d) Chestnut Street - from Kendall Street to Walnut Street at all times.
- (e) Chestnut Hill Avenue - entire length from 9:00 p.m. to 7:00 a.m.
- (f) Corey Road - from Beacon Street to Town Line.
- (g) Cottage Street - entire length at all times.
- (h) Dean Road - from Chestnut Hill Avenue to Beacon Street
- (i) Freeman Street - entire length at all times.

- (j) Heath Street - from Boylston Street to Hammond Street at all times.
- (k) Kennard Road - entire length at all times.
- (l) Longwood Avenue - from Sewall Avenue to the Boston Line from 9 p.m. to 7 a.m.
- (m) Newton Street - from Goddard Avenue to the Brookline Boston boundary.
- (n) Pleasant Street - entire length from 9:00 p.m. to 7 a.m.
- (o) Powell Street - entire length at all times.
- (p) St. Paul Street - entire length from 9:00 p.m. to 7:00 a.m.
- (q) Walnut Street - entire length at all times.
- (r) Warren Street - from Boylston Street to Lee Street at all times.
- (s) Winslow Road - from a point one hundred fifty (150) feet south of Commonwealth Avenue to Babcock Street at all times.
- (t) Webster Place Off-Street Parking Area entire area at all times.
- (u) Webster Street Off-Street Parking Area entire area at all times.

Section 3

EXEMPTIONS:

The foregoing sections of this article shall not apply to commercial or heavy commercial vehicles going to or coming from places upon said streets or adjoining streets or ways to which access cannot otherwise be gained, or to vehicles of municipal department or public service corporations having emergency work to do on said streets or adjoining streets, or to the United States Mail vehicles collecting mail on said streets or to police and fire department vehicles or to ambulances or to persons having business on such streets.

ARTICLE IX
MISCELLANEOUS PROVISIONS

Section 1

RESTRICTIONS ON ROLLER SKATES, COASTERS, ETC.:

- (a) No Person upon roller skates, or riding in or by means of a coaster, toy vehicle, or similar device, shall go upon any Public way or off street parking area controlled by the town, except while crossing a street at a crosswalk.
- (b) No person shall ride upon any skateboard or similar device on any Public way, sidewalk, or other public place within the Town of Brookline, said place being covered under these rules, except as otherwise authorized by the Transportation Board.
- (c) No person upon roller skates, in-line skates, skateboards or riding in or by means of a toy coaster or similar device shall go on any public sidewalk in business districts, as defined in Schedule 12.

Section 2

UNLAWFUL RIDING:

No person shall ride upon any portion of a streetcar or vehicle not designed or intended for the use of passengers. This does not apply to an employee engaged in the necessary discharge of his duty or to a person riding within truck bodies in space for merchandise.

Section 3

CLINGING TO MOTOR VEHICLES:

No person riding upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle shall attach the same or himself to any streetcar or moving vehicle upon any roadway of the town.

Section 4

EXPERIMENTAL REGULATIONS:

For the purpose of trial, the Transportation Board or the Department of Public Works may make temporary rules regulating traffic, or test under actual conditions traffic signs, signals, markings, or other devices. No such experimental rule relating to traffic shall remain in effect for a period of longer than sixty (60) days.

ARTICLE X

RESPONSIBILITY OF OWNER

Section 1

DRIVERS MUST REPORT ACCIDENTS:

The driver of any vehicle involved in an accident resulting in the injury or death of any person or property damage to the apparent total extent of one thousand dollars (\$1000) or more shall within five days make a full and complete report in writing of such accident to the traffic bureau of the Police Department. A driver who has been incapacitated as a result of such accident, and to such an extent as to make reporting impossible or unfavorable to his recovery, shall not be required to report such accident until he has recovered sufficiently to do so. The report shall be made available at the Police Station.

The provisions of this section, however, shall in no way abrogate the provisions of Chapter 90, Section 26 of the General Laws which provide for the reporting of accidents to the Massachusetts Registrar of Motor Vehicles.

The Police Department of the town may require any driver of a vehicle involved in an accident, of which report must be made as provided in this section. to file supplemental reports whenever the original report is insufficient in the opinion of said department.

Section 2

OWNERS PRIMA FACIE RESPONSIBLE FOR VIOLATIONS:

If any vehicle is found upon any street or highway in violation of any provisions of these rules and regulations, and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violations.

ARTICLE XI

PENALTIES

Any person violating any provisions of any rule, regulation or order regulating the parking of motor vehicles within the Town of Brookline, made by anybody authorized to make the same shall be dealt with as provided in Chapter 138 of the Acts of 2001, and any person violating any of the rules and regulations applicable to state highways, made by the Department of Transportation of the Commonwealth of Massachusetts under the authority of Section 2 of Chapter 85 of the General Laws shall be subject to the penalty provided in said rules and regulations, pursuant to Chapter 138 of the Acts of 2001.

Any person convicted of a violation of any rule, regulation, or order made hereunder, except as otherwise provided, shall be punished by a fine not exceeding fifty (50) dollars for each offense. The operator or owner of an unattended vehicle which obstructs traffic, as prohibited by Article VII, Section 3(a), shall be subject to penalty as provided in this paragraph.

Pursuant to the authority conferred by the provisions of the Massachusetts General Laws, Chapter 90, Section 20A1/2, as amended, Chapter 138 of the Acts of 2001, and the provisions of Chapter 317 of the Acts of 1974, as amended, the following schedule of fines for each violation of the parking regulations in the calendar year are hereby prescribed:

PARKING FINES SCHEDULE

1	Handicap or Ramp Violation (All)	\$100
2	Within 10 Feet of Hydrant	\$100
3	Emergency Snow Parking Ban	\$50
4	Overnight Permit Parking Violation (Municipal lots only)	\$30
5	Impeding Snow Removal	\$25
6	Less Than 10 feet Unobstructed Lane	\$25
7	Double Parking	\$30
8	Within an Intersection	\$25
9	Stopping Violation	\$25
10	Fire Station Entrance	\$25
11	Across Street from Fire Station	\$25
12	Bus or Trolley Stop	\$100
13	On Bridges or Approaches (where posted)	\$25
14	Adjacent to Center Strip or Island	\$25
15	Loading Zone	\$25

16	No Parking Zone	\$30
17	Upon A Sidewalk	\$25
18	Crosswalk	\$25
19	In Front of Driveway of Private Road	\$25
20	Unattended Bus Parking	\$25
21	On Street Overnight Violation (Over 1 Hour Between 2am-6am)	\$30
22	Off Street Overnight Violation (Over 1 Hour Between 2am-6am)	\$30
23	Permit Parking Violation	\$25
24	Taxicab Stand	\$25
25	Exceeded Meter Time Limit	\$25
26	Within 20 Feet of an Intersection	\$25
28	In Excess of Posted Time Limit	\$25
29	Storage (Over 24 Hours)	\$25
30	Unregistered Motor Vehicle	\$25
31	Over 1 Foot from Curb	\$25
32	Standing Violation	\$25
33	Wrong Direction	\$25
34	Angle Parking	\$25
35	Angle Parking Only	\$25
36	Overtime (2 Hour Parking)	\$30
38	Meter Space Violation	\$25
39	Unpaid Meter	\$25
40	Parking/Standing in Bike Lane	\$50

PAYMENTS RECEIVED AFTER 21 DAYS - Add \$10 Penalty
(Except Violation 40)

PAYMENTS RECEIVED AFTER REGISTRY NOTIFICATION - Add \$40
(Except Violation 40 – Add \$30)